

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on **Wednesday 26 April 2017** at **9.30 am**

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

**Please note the change of venue detailed at the top of the page.**

## AGENDA

### 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes** (Pages 1 - 8)

The minutes relate to the meeting of the Planning Committee on 29 March 2017.

### 3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 19 (b).

### 4 **Declarations of Interests** (Pages 9 - 10)

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.

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.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 15 INCLUSIVE

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

- 5 **CC/16/03791/OUT - Phase 2 Of The Westhampnett/North East Chichester SDL, Land North East Of Graylingwell Park, Chichester, West Sussex** (Pages 11 - 49)  
Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development'.
- 6 **WH/17/00014/FUL - Wherstead Coach Road(North), Westhampnett, PO18 0NX** (Pages 50 - 55)  
Proposed two storey rear extension to previously approved dwelling.
- 7 **WE/16/03454/COU - Land Adjacent To Westbourne Gypsy Site, Cemetery Lane, Woodmancote, Westbourne, West Sussex** (Pages 56 - 70)  
Change of use of land to a private gypsy and traveller caravan site consisting of 2 no. pitches each would comprise 1 no. mobile home, 1 no. touring caravan, 1 no. utility building and associated works.
- 8 **SY/17/00447/FUL - Home Farm, Chichester Road, Selsey, Chichester, West Sussex, PO20 9DX** (Pages 71 - 84)  
Change of use of existing agricultural workers accommodation to 10 no. residential dwellings and associated works.
- 9 **HN/17/00314/FUL - Brook Lea, Selsey Road, Hunston, PO20 1NR** (Pages 85 - 93)  
Construction of 5 no. dwellings and associated works (minor amendment to outline planning permission 16/00856/OUT and associated reserved matters 16/02672/REM).
- 10 **CC/17/00599/FUL - Land To The North Of Jubilee Gardens, Priory Road, Chichester, West Sussex** (Pages 94 - 99)  
Amend, extend, widen and partially reroute the path at the northern end of Jubilee Gardens. The path will be extended to connect by the dropped kerb to Franklin Place and some planting will be created adjacent to the north-east corner of 41 Franklin Place.
- 11 **EWB/16/00492/FUL - Ashbury, Kimbridge Road, East Wittering, West Sussex, PO20 8PE** (Pages 100 - 112)  
Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.
- 12 **SDNP/16/05499/HOUS & SDNP/16/05500/LIS - 2 Sutton Hollow, The Street, Sutton, RH20 1PY** (Pages 113 - 122)  
Removal of existing side extension and construction of a new two storey extension on a similar footprint.
- 13 **SDNP/16/05104/FUL - Church Farm, Wildham Lane, Stoughton, PO18 9JL** (Pages 123 - 133)  
Continuation of use of former grain building for the assembly, testing, packing, storage and distribution of centrifuges.
- 14 **SDNP/16/04284/FUL - Osiers Farm, London Road, Petworth, GU28 9LX** (Pages 134 - 142)  
Change of use of existing golf club car park to lorry park (sui generis).

- 15 **SDNP/16/03715/FUL - Orchard Barn, Common Road, Funtington, Chichester, West Sussex, PO18 9LG** (Pages 143 - 159)  
Erection of 3 no. dwellings. Retention of existing dwelling. New access via Common Road to serve existing dwelling and 2 of the new dwellings, retaining the current access point to serve the remaining new dwelling. Associated works and hard and soft landscaping.
- 16 **Land west of Centurion Way and west of Old Broyle Road, Chichester - Progress of the S106 agreement and commercial negotiations update** (Pages 160 - 162)  
The Planning Committee is requested to consider and note the report.
- 17 **Schedule of Outstanding Contraventions** (Pages 163 - 188)  
The Planning Committee will consider the quarterly schedule which updates the position with regard to planning enforcement matters.
- 18 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 189 - 200)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 19 **Consideration of any late items as follows:**  
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting (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
- 20 **Exclusion of the Press and Public**  
There are no restricted items for consideration.

## 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 29 March 2017 at 9.30 am

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

**Members not present:** Mr M Dunn, Mr J F Elliott and Mrs J Tassell

**In attendance by invitation:**

**Officers present:** Miss J Bell (Development Manager (Majors and Business)), Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor), Miss L Higenbottam (Democratic Services), Mr D Price (Principal Planning Officer), Mrs F Stevens (Principal Planning Officer) and Mr T Whitty (Development Management Service Manager)

## 166 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure which was displayed on the screens. He introduced the officers present and announced that item 11 had been withdrawn from the agenda and would be deferred to the next meeting. Mr Frost clarified that the applicant's agent had failed to provide officers with updated plans detailing the location of the proposed pitches.

Apologies were noted from Mr M Dunn, Mr J F Elliott and Mrs J Tassell.

## 167 **Approval of Minutes**

### **RESOLVED**

That the minutes of the meeting held on 1 March 2017 be approved and signed by the Chairman as a correct record.

## 168 **Urgent Items**

The Chairman advised that there were no urgent items.

169 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of application BO/16/03327/FUL as a Chichester District Council appointed member of Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in respect of application BO/16/03327/FUL as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in respect of application CC/16/02949/FUL as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in respect of application EWB/16/03473/FUL as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in respect of application SDNP/17/00336/CND as a West Sussex County Council appointed member of the South Downs National Park Authority.

Mrs Duncton declared a personal interest in respect of application SDNP/16/05377/FUL as a West Sussex County Council appointed member of the South Downs National Park Authority.

Mrs Duncton declared a disclosable pecuniary interest in relation to application SDNP/16/05377/FUL as her husband is the applicant. Mrs Duncton withdrew to the public seating area and did not participate in the debate.

Mrs Kilby declared a personal interest in respect of application CC/16/02949/FUL as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of application CC/16/02950/LBC as a member of Chichester City Council.

Mr McAra declared a personal interest in respect of application BO/16/03327/FUL as a member of West Sussex County Council.

Mr McAra declared a personal interest in respect of application CC/13/02949/FUL as a member of West Sussex County Council.

Mr McAra declared a personal interest in respect of application EWB/16/03473/FUL as a member of West Sussex County Council.

Mr Oakley declared a personal interest in respect of application BO/16/03327/FUL as a member of West Sussex County Council.

Mr Oakley declared a personal interest in respect of application CC/13/02949/FUL as a member of West Sussex County Council.

Mr Oakley declared a personal interest in respect of application EWB/16/03473/FUL as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of application CC/16/02949/FUL as a member of Chichester City Council.

Mr Plowman declared a personal interest in respect of application CC/16/02949/FUL as a Chichester District Council appointed member of Chichester Conservation Area Advisory Committee.

Mr Plowman declared a personal interest in respect of application CC/16/02950/LBC as a member of Chichester City Council.

Mr Plowman declared a personal interest in respect of application CC/16/02950/LBC as a Chichester District Council appointed member of Chichester Conservation Area Advisory Committee.

Mrs Purnell declared a personal interest in respect of application SY/16/03287/FUL as a member of Selsey Town Council.

**(To listen to the speakers and full debate of the planning applications follow the [link](#) to the online audio recording).**

### **Planning Applications**

The Committee considered the planning applications together with an agenda update sheet at the meeting detailing observations and amendments that had arisen subsequent to the dispatch 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 screen.

#### **RESOLVED**

That the Planning Committee makes the following decisions subject to the observations and amendments below:

**170 BO/16/03327/FUL - Oakcroft Nursery, Walton Lane, Bosham, PO18 8QB**

Miss Bell drew attention to the agenda update sheet detailing additional representation from Bosham Parish Council withdrawing their objection. She clarified that the proposed angle of the cycle path onto Walton Lane provided the best possible orientation and adequate visibility. Miss Bell acknowledged that if the path were located on public highway a greater width would be required but in the proposed location a 1.8m width was acceptable.

Recommendation to **permit** agreed.

**171 CC/16/02949/FUL - The Corn Exchange, Baffins Lane, Chichester, West Sussex, PO19 1UD**

Miss Bell explained that the officer presentation for items six and seven would be given together with two separate votes being taken on the recommendations. She

drew attention to the agenda update sheet detailing additional representations from Chichester City Councillor Anne Scicluna in respect of noise disturbance. During the presentation members were shown plans detailing the internal layout of the restaurant area, the service access from New Town and staff/customer access from Baffins Lane. Miss Bell explained that the extract flue on the roof of the building had been significantly reduced and officers were now satisfied with the proposed matt black finish.

The following members of the public addressed the Committee:

- Mr M Jennings – Objector
- Mr A Earl – Objector
- Mr K Mitchelson – Objector
- Mr P White – Agent
- Mrs P Dignum – Chichester District Council member for Chichester South Ward

Miss Bell clarified points made during the Committee's debate including:

- In response to concerns that a restaurant would fundamentally change the interior of the listed building, that the HBA had found the proposed internal and external changes acceptable
- In response to concerns that construction work timings were not specified, that the Construction Management Plan would be amended to include the Council's standard hours of construction limitation
- In response to concerns that refuse collection timings were not specified, condition six would be amended to include appropriate hours of collection and to require collection from East Street
- In response to concerns that opening hours could be extended, that condition nine would restrict the hours of opening to the public or use from 7.00am until 7.30pm Monday to Sunday
- In response to concerns regarding deliveries, that officers were satisfied that the proposed Service Management Plan included acceptable provisions and that a condition to prevent deliveries between 8.00am and 9.00am was proposed
- In response to concerns regarding high levels of noise and food odours, that the Environmental Health officer was satisfied with the proposed odour extraction mitigation
- In response to suggestions that further marketing of the site was required, that the site had already been marketed comprehensively for two years for A1, A2 and B1 use without firm interest
- In response to concerns that there were too many cafes and restaurants in Chichester, that give the central location, competition between traders was not a land use planning consideration for the Committee

Mr Frost reminded members that a refusal of permission would require the committee to identify serious planning harm that could not be addressed by conditions.



Recommendation to **permit** agreed.

172 **CC/16/02950/LBC - The Corn Exchange, Baffins Lane, Chichester, West Sussex, PO19 1UD**

Recommendation to **permit** agreed.

(The Committee adjourned for a short break).

173 **CH/16/02894/FUL - Plot J, Pond Farm, Newells Lane, West Ashling, Chichester, West Sussex, PO18 8DF**

Mr Whitty drew attention to the agenda update sheet detailing a correction to the recommendation on page 52 of the agenda pack which should read 'defer for S106 then permit.' He outlined amendments to condition three to accord with the terms of the planning application and to ensure satisfactory planning of the area. Mr Whitty explained that the application sought to vary an earlier temporary permission to allow permanent occupancy. He drew attention to condition three which would require additional screening.

The following members of the public addressed the Committee:

- Mr C Archer – Chidham and Hambrook Parish Council
- Dr A Murdoch - Agent

Mr Whitty clarified points made during the Committee's debate including:

- That the bridleway provides access to land beyond the application site
- That other temporary pitches in the vicinity of the site were not related to the application site
- That in response to concerns about the future use of the site if the pitches were removed, that it would be unreasonable to require removal of the stable blocks or hard standing
- That in response to concerns that the application site boundary was relatively small compared to other similar sites, that the application plans reflected those the subject of the earlier appeal

Recommendation to defer for section 106 then **permit** agreed.

174 **EWB/16/03473/FUL - Site Adjacent To Papua, West Bracklesham Drive, Bracklesham, PO20 8PH**

Mrs Stevens drew attention to the agenda update sheet detailing additional concerns from the Parish Council in relation to the reduction in the width of the footpath, the extent of land turned into garden and prevention of future emergency access. She also noted two additional representations received. Mrs Stevens confirmed that WSCC Highways had no interest in the land and the land was not registered. To date there had been no claims to the land following advertisement via a notice in the local newspaper.

The following members of the public addressed the Committee:

- Mr B Reeves – East Wittering and Bracklesham Parish Council
- Mr B Allsop – Objector
- Mr S Grant - Applicant

Mr Whitty clarified points made during the Committee's debate including:

- Reducing the width of a section of the path would retain adequate emergency access to the beach as other sections of the path already narrow down
- In response to concerns regarding the impact on the visual amenity of the site, that condition four would require softening by landscaping
- That the effect on access to a culvert was not a consideration in this case as the application did not involve an additional building or dwelling
- In response to a suggestion that officers discuss maintenance of the land with the Parish Council, that the Committee's remit was to consider the planning merits of the proposal before them

Miss Golding reminded the Committee that the law allows any person to apply for planning permission on another person's land subject to correct certification. In relation to this application if the landowner came forward they would be entitled to claim back the land. Miss Golding explained that the Committee's only concern should be that the applicant had demonstrated correct procedure.

Mr Whitty also reminded the Committee that they should not be concerned by either the potential added value to the applicant's land or the applicants risk in relation to registering the land as neither were material planning considerations. He explained that enclosures of this nature are not uncommon and if refused the applicant could exercise their right to erect a two metre fence without planning permission.

Recommendation to **permit** agreed.

175 **SY/16/03287/FUL - Tides Reach, 127 East Beach Road, Selsey, PO20 0HA**

Miss Stevens drew attention to the agenda update sheet detailing an amendment to the recommendation which should read 'defer for section 106 then permit'. She explained that the applicant had now confirmed in writing their agreement to Pagham Harbour mitigation by way of an appropriate financial contribution. The Committee were shown maps detailing which sections of the application site fall within flood zones two and three.

The following member of the public addressed the Committee:

- Miss B Bramwell - Applicant

Members discussed how the application would fit into the current street scene. She also clarified that there will be internal and external staircases.

Recommendation to defer for section 106 then **permit** agreed.

(The Committee adjourned for a short break).

176 **WE/16/03454/COU - Land Adjacent To Westbourne Gypsy Site, Cemetery Lane, Woodmancote, Westbourne, West Sussex**

This item was withdrawn from the agenda.

177 **SDNP/17/00336/CND - Ilex House, Upperfield, Easebourne, GU29 9AE**

Mr Price drew attention to the agenda update sheet detailing an additional condition 'approved plans' to ensure the development is carried out in accordance with the plans listed under the heading 'plans referred to in consideration of this application'.

Members had no questions.

Recommendation to **permit** agreed.

178 **SDNP/16/05377/FUL - Petworth Downs Golf Course, London Road, Petworth, West Sussex, GU28 9LX**

Due to her earlier declaration of a disclosable pecuniary interest Mrs Duncton withdrew to the public seating area and did not participate in the debate.

Mr Price provided a brief introduction explaining that the application was before the Committee due to Mrs Duncton's interest.

Mr Price clarified that if agreed, as detailed in condition one, permission would be for B1 office use only.

Recommendation to **permit** agreed.

179 **Policy and Procedure Update**

(Mrs Duncton returned to the Committee table).

Mr Whitty provided an update on the work of the Planning Task and Finish Group 2016 following recommendations made to Cabinet in December 2016.

**Pre-Application Charging Scheme**

Cabinet had agreed to adopt the revised Pre-Application Advice Charging Scheme with effect from 1 February 2017. As a result the duty officer service had been increased to include one afternoon per week. There are also additional 30 minute pre-bookable slots for planning surgeries on a Tuesday and Thursday. In addition officers now provide informal pre-application advice within a two to three week timescale. Mr Whitty clarified that where a Housing Association proposes to build solely affordable housing there will continue to be no charge for pre-application advice. Mr Frost explained that adjustment to the scheme may be required for Community Land Trusts.

## **Use and Discharge of Planning Conditions**

Cabinet had agreed to a revised format for decisions on planning applications with effect from 1 February 2017. The new decision notice provides the key information at the top of the page in a much clearer format. Since January 2017 Planning Committee agenda reports have included the full wording of conditions. Mr Whitty explained that Cabinet added a requirement to review in 12 months. This will be discussed at a future Committee meeting.

## **Historic Environment Strategy and Action Plan**

Mr Whitty explained that the Historic Environment Strategy had been adopted by the council. Members wished to give their thanks to Lone Le Vay for an excellent piece of work.

### **RESOLVED**

The Committee noted the changes to the Pre-Application Advice Charging Scheme, the new procedures in relation to the use and discharge of planning conditions and the adoption of the Historic Environment Strategy and Action Plan.

## **180 Schedule of Planning Appeals, Court and Policy Matters**

Mr Whitty drew attention to the agenda update sheet outlining legal proceedings authorised for Barn North of Hunston Dairy Farm and 37 North Street, Midhurst on 22 March 2017.

### **RESOLVED**

The Committee noted the schedule of planning appeals, court and policy matters.

## **181 Consideration of any late items as follows:**

There were no late items.

The meeting ended at 12.42 pm

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CHAIRMAN

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Date:

## **Chichester District Council**

### **Planning Committee**

**Wednesday 26 April 2017**

#### **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)
- Mrs J L Kilby – Chichester City Council (CCC)
- 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 G V McAra - West Sussex County Council Member for the Midhurst Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East 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 appointees 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 appointees 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: Chichester	Ward: Chichester North
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**CC/16/03791/OUT**

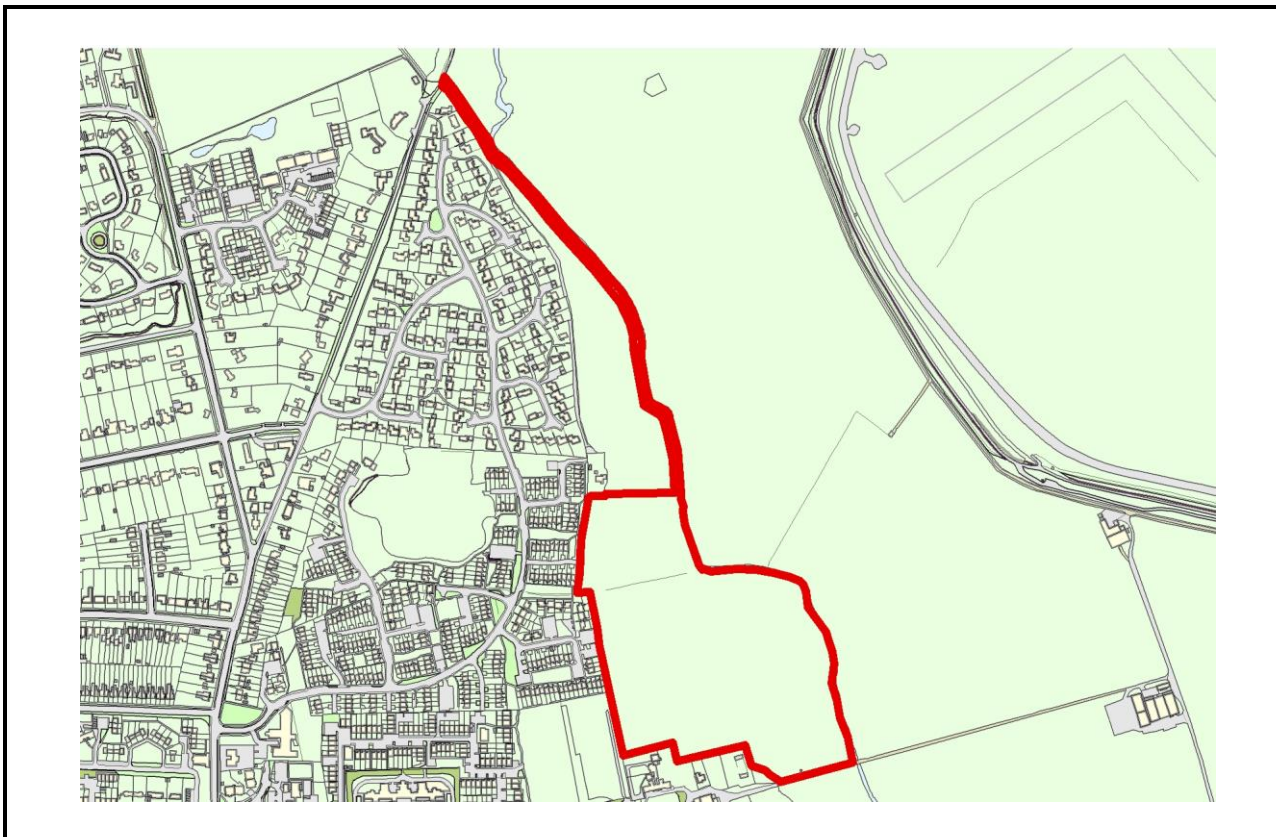
**Proposal** Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development.'

**Site** Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Graylingwell Park Chichester West Sussex

**Map Ref** (E) 486954 (N) 106194

**Applicant** CEG And The Site Landowners (DC Heaver And Eurequity IC Ltd)

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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

Major application on which Officers consider decision should be by Committee.

## **2.0 The Site and Surroundings**

2.1 The site forms the northern part of the Westhampnett/North East Chichester strategic housing allocation detailed in policy 17 of the Chichester Local Plan. This is a substantial land allocation subject to various environmental constraints which limit the extent of land that can be developed for housing. There are two areas for the housing elements of this 500 dwelling allocation within the strategic development location (SDL). Phase 1 is located to the far south east of the SDL between Stane Street and Madgwick Lane. That site obtained outline planning permission in June 2016 for up to 300 dwellings (WH/15/03524/OUTEIA). At the same time a separate outline planning permission (WH/15/03884/OUT) was granted for the provision of sports playing pitches in the central part of the SDL with a green infrastructure link comprising a new pedestrian/cycleway leading from Madgwick Lane to the playing pitches and onto the point where it meets the SE corner of the proposed Phase 2 development which is the subject of this current application.

2.2 The site forms part of an open river valley landscape and consists of a misshapen rectangular parcel of arable land of approximately 8.826 hectares situated on the north eastern boundary of the built up area of Chichester, east of the neighbourhood of Summersdale and the new development taking place within the grounds of the former Graylingwell hospital to the south-west. The site includes a narrow ribbon of land following the west side of the river which extends north to the point where it meets the unmade section of Fordwater Road - this land is proposed to form part of the Lavant Valley Linear Greenspace and is within Flood Zone 3. Whilst the site is currently not included within the settlement boundary for Chichester, it forms Phase 2 of the Westhampnett / North East Chichester Strategic Development Area (SDL) and will become part of the city.

2.3 The site adjoins the existing 2-2.5 storey housing at Winterbourne Road from which it is separated by an overgrown boundary hedgerow formed of native species. There is very little vegetation within the site itself. A short section of hedgerow following an east-west alignment running down the slope appears to be a remnant boundary hedge and is isolated from the eastern and western edges of the site. There are a few isolated evergreen trees along the river edge. The majority of the site is within Flood Zone 1. A small area in the south-east corner is in Flood Zone 2 and a small part in the northern part of the site is in Flood Zone 3. No buildings are proposed to be located in these areas.

2.4 The prevailing landform for the site slopes down from west to east and the site is bounded to the east by the River Lavant. Across the river valley to the north-east of the site is the Goodwood Motor Racing Circuit (GMRC) and Aerodrome. A well-established public bridleway - Stocks Lane - follows the outer perimeter of the GMRC linking Madgwick Lane to the south-east (and Phase 1 of the SDL) with New Road to the south of East Lavant. The application site is not currently accessible from the existing highway network.

## **3.0 The Proposal**

3.1 This application is for a development of up to 200 dwellings (including affordable dwellings), associated landscaping and open space, a Lavant Valley Linear Greenspace, surface water attenuation and ancillary works. The application is submitted in outline form,



with all matters reserved for consideration as part of a later application albeit vehicular access is to be taken from Phase 4 of the adjacent Graylingwell Park development.

3.2 As well as the application site boundary (shown in red on the application plans) and the other land in control of the applicant (shown in blue), a set of three parameter plans (Land Use/Access and Movement Plan, Density Plan and Building Heights Plan) have been prepared which establish an envelope within which the future detailed proposals will be brought forward. The parameter plans are intended to be flexible enough to allow the detailed design to be reserved for subsequent approval, whilst defining the key principles of the development in enough detail to allow the effects of the development on the environment to be assessed. In addition to the parameter plans a suite of illustrative plans have also been submitted providing further details to demonstrate how the site could be developed. These include an illustrative framework plan, an illustrative proving layout and an illustrative open space and green infrastructure plan.

3.3 The parameter plans and illustrative documentation are designed to demonstrate a potential method of developing the site and to give the Local Planning Authority an assurance that it can be developed with an appropriate access at the density of development proposed whilst not having an unacceptable impact on the local and wider environment. The quantum of development and the principle of a vehicular access to the site through Graylingwell Park are the only matters for formal consideration at this stage but the parameter plans provide an additional broadbrush and unrefined layer of detail in terms of the intended density of housing, the building heights and access and movement patterns through any future layout. Officers consider that the general broad approach to the development shown on these parameter plans is flexible enough not to fetter a full and proper evaluation at the reserved matters stage. It is accepted that these plans are therefore a material consideration for the outline application and will form part of the decision. The Committee may recall that the same approach was taken regarding the parameter plans submitted in respect of the application for Phase 1 of the SDL.

3.4 The submission of the 'illustrative' sketch plans add a further more prescriptive layer of detail to the proposals which is considered to be outwith the scope of an outline application where all matters are reserved. The 3 sketch plans provide an Illustrative Framework Plan; an Illustrative Proving Layout; and an Illustrative Open Space and Green Infrastructure plan. At this outline stage the sketch plans are therefore not a material consideration but are for illustrative purposes only. It is not proposed that they are formally approved as part of the outline planning application.

3.5 The applicant issued a request for a Screening Opinion under the Environmental Impact Assessment Regulations 2011 running concurrently with this outline planning application. The Local Authority issued its Screening Opinion on 30 January 2017 which concluded that the development was schedule 2 development but that the environmental impact would not be so significant as to comprise EIA development and would not require submission of an Environmental Statement.

### Housing

3.6 The development proposes a range of types and sizes of units, including 30% affordable housing. The application seeks permission for up to 200 dwellings but the mix and layout are not subject to detailed consideration at this stage. Officers consider that the illustrative proving layout provides enough flexibility to accommodate the full 200 dwellings, especially as the illustrative mix currently includes too many larger dwellings. In relation to

affordable housing, the 30% policy requirement for the full 200 homes would result in 60 affordable and 140 market dwellings. The applicant has identified that the affordable dwellings will be pepper potted throughout the site and be externally indistinguishable from the market units in form and appearance. Although the appearance of the dwellings is a reserved matter for future determination the Design and Access Statement suggests a traditional design approach and detailing and a palette of materials based on a selection of local examples. Suggested materials comprise locally sourced bricks, flint and render and predominantly plain roof tiles with some slate. The building heights parameter plan shows development ranging from 2 storeys at the outer eastern edge of the site rising to a maximum 3 storeys adjacent to the permitted housing development at Phase 4 Graylingwell Park. The Design and Access Statement proposes a development that will comprise a series of 9 'character areas' across the site where the design, density, building heights, architectural language and materials will vary to reflect the architectural vernacular of north-east Chichester and Summersdale. In terms of density the submitted Illustrative Density Analysis Plan shows a proposed density of housing graded from 45 dwellings per hectare (dph) where the site adjoins the existing settlement edge at Chichester to 30dph through a central zone with the outer edge looking onto the open countryside to the east at 20dph.

### Access

3.7 'Access' to the site is a reserved matter but the application makes it clear inter alia through the parameter plans and Transport Assessment that the proposed development will be accessed from a single point of vehicular access which will be taken through the Phase 4 development of 160 dwellings at Graylingwell Park which is currently being developed.

3.8 In addition the Land Use Access and Movement parameter plan also includes a number of potential pedestrian/cycle access points which link the site to the existing residential development in Chichester to the west, however the applicant has confirmed that the detailed matters to be considered under "access" exclude pedestrian/cycle access. These will be informed by the subsequent detailed layout to be considered at the reserved matters stage.

### Car parking provision

3.9 The proposed car parking will be provided on site in accordance with the WSCC Guidance for Parking in New Residential Developments (Sept 2010) as demonstrated by the WSCC Parking Calculator. Based on the indicative housing schedule the Parking Calculator determines that in the region of 475 spaces are required for the 200 dwellings. This works on the basis of 1 space for each 1 bed flat, 2 spaces for 2 and 3 bed properties and 3 spaces for 4 or 5 bed dwellings. This results in an average of 2.37 car parking spaces per dwelling across the development and compares with the average 2.46 spaces per dwelling for Phase 1. The illustrative proving layout shows the parking predominantly on-plot with some provision within parking courts and the applicant confirms that a suitable level of parking provision can be provided on the site. At reserved matters stage sufficient parking spaces will need to be accommodated within the layout.

### Open space and Landscaping

3.10 The application proposes a total of 2.093ha of open space on site. For the applicant's proposed housing mix the Council's requirement under the SPD Open Space Calculator is for a total of 1.573ha. The proposed provision compares with the required standards as follows and shows that each requirement is met:

### Equipped Play Space

Required 0.065ha

Proposed 0.066ha

### Amenity Open Space

Required 0.215ha

Proposed 0.286ha - includes a more central green located illustratively within the housing layout and fingers of open space following the retained east-west hedgerow on the site and the indicative internal roads shown on the Parameter land use/access and movement plan.

### Natural/Semi-Natural Green Space

Required 0.431ha

Proposed 1.565ha - A belt of natural/semi-natural green space on the eastern boundary of the proposed housing ranging in width from approximately 66m at its widest point towards the south end of the site to a narrow point of approximately 10m. This is shown as accommodating 2 areas of allotments, an area of equipped play space and indicative SuDS (total SuDS area 0.37ha shown as 4 x detention basins and 1 x conveyance basin) and associated swales which are shown separately on the Illustrative Framework Plan.

### Allotments

Required 0.172ha

Proposed 0.176ha

### Parks, Sport and Recreation Grounds

Required 0.689ha

Proposed - A second sports football playing pitch (and cricket pitch) to be provided as part of the new playing fields permitted under 15/03884/OUT.

### Lavant Valley Linear Greenspace

3.11 An extension of the Lavant Valley Linear Greenspace, is proposed to the north of the application site, on the west side of the River Lavant comprising a belt approximately 10-15 m wide of open amenity space. In accordance with the approved masterplan for development of the NE Chichester SDL as a whole, the Lavant Valley Linear Greenspace will link to the publicly accessible footpath and cycleway approved under outline planning permission 15/03884/OUT for the playing fields and green infrastructure at phase 1. Taken together, phase 1 and phase 2 as a result of the SDL will deliver a new continuous cycle and footpath link between Madgewick Lane and Fordwater Road.

3.12 In terms of landscaping, the illustrative open space and green infrastructure plan indicates areas of informal new tree planting along the banks of the river and around the site perimeter adjoining the phase 4 Graylingwell development together with retention and improvement of the existing hedgeline in these areas and where necessary new hedge planting. North-South avenues of formal tree planting are also proposed which follow the indicative line of internal streets.

### Drainage

3.13 In terms of surface water drainage it is proposed that the site will adopt the principle of utilising a SuDS. Infiltration to ground is the preferred method of drainage and further site ground investigations will ascertain how effective this can be on this site. Wholesale

infiltration may not be possible because of the ground conditions but could form part of the overall strategy. The parameter and illustrative plans submitted with the application show a series of interlinked detention basins and a conveyance basin on the eastern boundary of the site adjacent to the River Lavant. These basins will be designed to manage surface water run off from the development and to cope with storm discharges during the 1 in 100 year plus climate change event storm (modelled for 40% climate change including peak rainfall intensity).

3.14 In terms of foul drainage the proposed strategy relies on the approved strategy for phase 1 which is a pumped solution to Tangmere WwTW. The phase 1 sewer infrastructure which comprises an upgrade to the existing Stane Street sewer will make allowance for the future phase 2 development (this application) to accommodate the additional foul flows. At the time of preparing this report, information to discharge the foul drainage condition on the outline planning permission for the phase 1 proposals had not been submitted. Whilst the stated intention for phase 1 will be an upgrade to the Stane Street sewer, there is a possibility that phase 1 might alternatively utilize the new strategic sewer infrastructure leading to Tangmere WwTW that is to be provided as part of the West of Chichester SDL.

**4.0 History**

17/00206/EIA	EIANR	Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development.'
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**5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
- Flood Zone 2	YES (part)
- Flood Zone 3	YES (part)
Historic Parks and Gardens	NO

**6.0 Representations and Consultations**

6.1 Chichester City Council

Concern is expressed about the lack of detailed information supporting this outline application and the following comments submitted:

1. The importance of ensuring that an effective landscaping scheme is provided and maintained, both within the site and on the periphery, cannot overstressed if this development is to eventually integrate with the surrounding landscape. A buffer strip should be retained between the proposed development and the existing.
2. The idea of 'Character Areas' is supported to promote local distinctiveness.
3. Concern is raised over the lack of information about how this development is to achieve vehicular access through the Graylingwell Phase 4 development site.

## 6.2 Lavant Parish Council

Lavant Parish Council notes that within the above application is a proposal to bring a cyclepath and footpath to the northern end of the Fordwater Road carriage way in Chichester. LPC supports initiatives to encourage non-motorized access to the National Park, but from this point going north there are no cycle paths only footpaths 3044 and 459. This proposal will encourage cyclists to ride on unsuitable footpaths causing damage, and, because of the narrowness of the paths in places, will come into conflict with walkers.

LPC is of the view that footpath 3044 would with a modest investment be suitable as a shared cyclist and footpath. The northern half of the footpath from where it leaves the private drive needs to be widened till it rejoins the wider section at the ford. At the point where walkers and cyclists rejoin the main carriageway at New Road and Fordwater Road separation, Lavant Neighbourhood Development Plan (Submission) has proposed a footpath going west along the southern edge of Fordwater Road (LNDP policy 18) on Goodwood Estate land to East Lavant, this could be upgraded to a shared cyclist and walkers path. LPC does not support 3044 being made into a bridleway, as there is already a bridleway to the east, running just to the west of the airfield, and the access and ingress points are not suitable for horses. Any changes to the footpaths must be done such that no motorized vehicles (other than mobility vehicles?) can gain access.

LPC envisaged the works being funded in the form of CIL or directly from a developer.

## 6.3 Chichester Harbour Conservancy

No objection. Application site is within 5.6km of Chichester and Langstone Harbour SPA and will lead to a net increase in residential accommodation. A financial contribution should be secured in accordance with the District Council's policy to mitigate against the potential effects of recreational disturbance.

## 6.4 Environment Agency

Satisfied with the additional technical assessment of flood risk which was prepared by the applicant's consulting drainage engineers Brookbanks. Removal of original objection is subject to imposition of appropriate conditions.

## 6.5 Southern Water

Initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The wastewater discharged from the proposed development will be drained to Southern Water's Tangmere Wastewater Treatment Works. The plant currently does not have the capacity to accommodate flows from the proposed development. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water,

adequate wastewater treatment facilities exist to effectively drain the development. The development will be dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards. The current Southern Water investment scheme to upgrade the existing Tangmere Wastewater Treatment Works in order to deliver additional treatment capacity is currently under construction.

#### 6.6 Highways England

No objection provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. The proposed development is the 'North East Chichester development area' allocation within the Westhampnett / NE Chichester strategic location and therefore requires a contribution of £202,447.

#### 6.7 Natural England

No objection subject to payment of a financial contribution in line with District Council policy towards mitigating recreational disturbance.

*Planning Officer comment: The recreational contribution is currently £181 per dwelling from 1st April 2017 so on the basis of 200 dwellings a figure of £36,200 will be due.*

#### 6.8 WSCC - Highways

The Highway Authority is satisfied with the additional information and raises no objection to the proposal subject to conditions being attached to any planning permission granted and appropriate CIL and S106 contributions being secured. The development should not be occupied until both the Kingsmead Avenue/Palmersfield Avenue highway works and the two bus gates on Graylingwell Drive - all secured as part of the Graylingwell Park development - have been completed and are brought into operation. This is to ensure that all traffic generated by the development (other than pedestrians and cyclists) are routed to and from the east as per LPA policy requirements.

*Traffic impact* - envisaged trips numbers for the development in the AM and PM peak periods taken from the Chichester Area Transport Model (CATM) suggest the following:

- AM Peak (08:00-09:00) - 66 two-way vehicle trips
- PM Peak (17:00-18:00) - 70 two-way vehicle trips

Development has looked at the different off site scenarios and junction modelling in terms of all other committed schemes in the locality for the period 2018-21 analysing lengths of queues and anticipated delays based on the CATM and concluded that the above figures are representative.

*Parking* - Actual numbers required for the development will be defined by the final development mix at any Reserved Matters stage and worked-out using the WSCC parking calculator. Early observation of the internal layout as provided suggests that parking numbers might be in excess of the recommended guidance.

*Sustainable Access* - Local bus services are the No. 50 (stops within nearby Graylingwell Park) and the No. 600 (stops on or close to Broyle Road). No. 700 (Stagecoach Coastliner)

and other services can be found in Chichester City Centre - approximately 15-20 minutes-walk away.

Cycle parking should be provided for visitors as well as residents. A Travel Plan to be secured by condition should encourage lift sharing, a car club, electric vehicle charging points, travel vouchers for new dwellings etc.

The following PROW links are recommended - Creation of a local link (or links) to Winterbourne Road to encourage permeability. Creation of a new shared footpath and cycleway link running north to Fordwater Road is to be encouraged. In light of Local Plan Policy 17 the Highway Authority recommend that a financial contribution be secured. Working with the developer and using best endeavours, such a contribution could be used to try to secure an upgrade of Public Footpath 459 to a bridleway. WSCC estimate the overall works to cost £100,000.

A schedule of conditions is recommended and matters for inclusion within the S.106 agreement.

#### 6.9 WSCC - Flood Risk Management

No objection. Mapping shows that the majority of proposed site is at 'low' risk from surface water flooding. There is a section in the south east sector of the site which is at higher risk for surface water flooding. The majority of the proposed development is shown to be at 'high risk' from ground water flooding based on the current mapping. Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment. We do not have any records of historic surface water flooding within the confines of the proposed site or within close proximity to the site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

#### 6.10 CDC - Drainage Engineer

The FRA/Drainage strategy shows that the site can be drained effectively. Prior to investigating attenuation and discharge to a watercourse any further, soakaways must be investigated. We require winter groundwater monitoring and percolation testing across the site to confirm ground conditions and suitability for infiltration. Soakaways must be above the highest recorded groundwater level in that area.

#### 6.11 CDC - Environmental Health Officer (Noise)

The closer housing development gets to the GMC and GA flight paths then the greater the impact due to noise from their activities.

Apart from the GMC and airfield noise, the surrounding countryside is a relatively quiet location, set apart from local roads and major traffic routes. The ambient noise in the absence of nearby aircraft and GMC use is dictated by distant traffic noise from the A27 dual carriageway, Madgwick Lane and Stane Street, and this site experiences a low level of ambient noise. Unfortunately there is no national planning guidance which sets acceptable criteria for noise levels from motor sport so you have to judge how disturbing it will be and how frequently it will be generated. The subjective nature of noise means that there is no simple relationship between noise levels and the impact on those affected. The only noise criteria proposed by the applicant and agreed is a design criterion of not more than 55dB LAeq,30min. A 50 to 55dB threshold value represents the World Health Organisation guideline for the onset of moderate to significant community annoyance and is based on exposure throughout the whole day.

The applicant's predicted noise levels demonstrate that the noise level of 50 to 55 dB LAeq,30mins is unlikely to be experienced within the application site area for GMC Categories 2 and 3 type uses. A noise level of 70 - 75dB LAeq,30mins is likely to be experienced from Historic Racing events (Category 1 - maximum 5 days) at GMC at distances of up to 400m.

We agree that the noise attributed to motor circuit activities within vehicle defined categories 2 and 3 is typically below 50dB LAeq 30mins at around 400m, and varies depending on vehicle category and wind direction. Noise from vehicles on GMC during non-racing days will be noticeable at the application site although unlikely to result in any significant observed adverse effect to person's behaviour.

On up to five days per year, the noise levels from Category 1 Historic Racing events will be much more noticeable and result in a degree of disturbance to some residents causing material changes in behaviour like staying indoors and keeping windows closed most of the time. We accept that there is a legacy of planning which allows for 5 days of racing which is noisy and affects residents further afield. We accept that there is no simple way of determining clearly defined noise parameters in this situation and human response to noise is complex.

We are very concerned that by allowing residential development much closer than the approximate 400m buffer then occupants will start complaining about noise and demand that actions be taken against existing use of the GMC to reduce noise impacts, a debate that was essentially concluded 20 years ago when the GMC was developed. A small portion of the land which is the subject of this application lies within the 400m buffer zone referred to in the Local Plan, where the developer is seeking to utilise the available land to the west of the River Lavant. The leading edge of the closest properties are at 370m and are unlikely to result in noise exposure different to that measured by the noise assessment at the applicant's measurement position of 360m. The current layout of the development shows the nearest houses to the GMC are facing east with gardens behind. As the noise is most likely to affect persons outdoors then the housing will afford a barrier to the propagation of noise and reduce noise experienced by persons in the garden area. Some flexibility by encroachment of 30m within the 400m buffer zone may be considered acceptable in this case.

**Conclusions** - There is a small encroachment of the adopted 400m buffer although the noise experienced from GMC at 370m has been demonstrated within their survey to be well under the noise criteria proposed. The noise exposure from aircraft using the Integrated Noise Model is well below 52dB LAeq,16hours contour. The final design and orientation of any residential property must be of the highest standard to counteract some of these noise realities and modelling uncertainties. The criteria on guidance noise levels for dwellings set out in British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings' should be met. The objective of the design process must be a building envelope that provides a good standard of internal noise in terms of BS 8233 and also to provide outside areas where a LAeq,T 50 - 55dB can be achieved to avoid significant annoyance. A specific condition is recommended controlling the detailed design of the proposed dwellings in terms of sound insulation against external noise and in terms of the laying out of the garden areas and any balconies.



#### 6.12 CDC - Environmental Health (Land Contamination)

The site appears to have a low risk of contamination from past land uses. During construction works pollution prevention measures should be put in place where appropriate and it is recommended that such measures are included within a Construction Management Plan (CMP).

#### 6.13 CDC Housing Enabling Officer

A full 30% quota of affordable housing is required in-line with the local plan. The market and the affordable mixes must follow the Strategic Housing Market Assessment (SHMA). The SHMA concludes that the mix of market housing in Chichester district should be focused to a greater degree on smaller properties. The indicative mix would not comply with the SHMA recommended mix as there would be too many 4 bedroom houses and insufficient 2 bed roomed ones.

#### 6.14 CDC Archaeology Officer

The likely archaeological potential of the site would justify the implementation of a programme of field evaluation prior to it being developed, the aim being to identify significant archaeological deposits that might be present and to implement suitable measures for their preservation. The Council's standard condition can be used to secure an archaeological investigation of the site is carried out in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing before the commencement of any building works.

#### 6.15 CDC - Environmental Strategy Officer

The Ecology Report submitted gives a good overview of the further work that will need to be undertaken at Reserved Matters. These could be conditioned. Since the site sits within the Lavant Biodiversity Opportunity Area we would expect much more detail on the ecological enhancements proposed along the Lavant when the application for reserved matters is submitted.

#### 6.16 CDC - Conservation and Design Manager

I confirm that the broad principle of the design approach is acceptable in terms of creating well defined perimeter blocks and a legible street hierarchy. I also support the way the layout has respected the historic field boundaries, as indicated in the maps appended to the Heritage Desk-Based Assessment and the landscaping could be used to enhance this concept. The open spaces appear to be well overlooked, which is supported. The approach to parking is also supported with a mix of on plot, on street with some parking courts. There would still appear to be scope for greater permeability and integration of highway/footpath/cyclepath infrastructure between the existing and proposed development, possibly connecting footpaths, creating new footpaths to provide access to the linear park for existing residents of Summersdale and north Chichester generally maximising opportunities to create attractive sustainable alternative commuter routes to the city through and from the development.

### 6.17 SDNP - Link Officer

The SDNPA accepts that broad parameters have now been established, and has no in principle objection to the development of this part of the site. However, we are keen to ensure that the details are appropriate given the proximity to the National Park. Views towards landmarks in both the town and the surrounding downland are equally important to new residents in encouraging their enjoyment of the SDNP. The block structure should respond to these contextual assets by revealing views towards landmarks. It would be beneficial to continue discussions regarding the potential for upgrading existing footpaths to create cycle access beyond the site to the north alongside consideration of the current application. SDNP welcome the intentions of limiting additional light pollution.

### 6.18 Hampshire CC - Landscape Consultant for CDC

This development will be located in a landscape that has been judged to be of moderate to high sensitivity to built development. The development extends housing into the open river valley and will have impacts on the open character of the land and the setting of the river. Views of the site are visible from public rights of way across the valley and the development needs to be softened by planting. Planting that extends beyond the edges of the site, up and down the river, would aid integration into the wider landscape. The existing urban edge is relatively well contained. The water tower at Graylingwell and the spire of the Cathedral are landmark features seen over a tree'd foreground. The soft nature of this view will be lost as a result of placing the taller and higher density buildings in front of these trees. The impact of the proposal on the South Downs National Park has not been adequately addressed. The development needs to provide space for planting forest sized trees on an east-west axis as well providing adequate space for the proposed north-south planting. The impact of lighting within the development also needs to be considered further.

### 6.19 14 Third Party Objections

Permanent loss of prime agricultural land and green belt.

The proposed development is on a floodplain.

Encroaching into the noise buffer zone for the airfield is dangerous.

The proposed pedestrian/cycle path is essentially unnecessary as there is already a public footpath skirting Goodwood Motor Racing Circuit which connects Westhampnett to Fordwater Road. The new path may encourage anti-social behaviour and/or crime into the area.

The Goodwood Estate Ltd maintains its opposition to the strategic allocation on grounds of the strong likelihood that housing in close proximity to its operations at both the Goodwood Motor Circuit and Goodwood Aerodrome, will give rise to complaints, primarily of noise and disturbance, that could impede its lawful operations.

Suburban housing within the strategic allocation will have a detrimental impact on the setting of the important historic city of Chichester, the setting of important heritage assets and the South Downs National Park.

The applicant has not demonstrated that the development will not harm heritage assets at Graylingwell.

The development is within the 400m noise buffer endorsed by the local plan inspector which should be respected.

Proposed agricultural access to north means that traffic will have to trundle through existing housing estate causing disruption to residential amenity.

What will happen to the thin slither of agricultural land left over?

Chichester cannot cope with the extra traffic.

Development has inadequate access through Graylingwell.  
Does not plan for a proper soft green edge to the development.

## 6.20 Applicant/Agent's Supporting Information

The application is accompanied by a Planning Statement and Design and Access Statement and a suite of the following documents: Statement of Community Involvement, Transport Assessment (including Travel Plan), Landscape and Visual Impact Assessment, Tree Quality Survey, Flood Risk Assessment, Geo-Environmental Phase 1 Study, Air Quality Assessment, Planning Noise Assessment, Ecology Report, Heritage Assessment.

## 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 neighbourhood plan for Chichester City.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 7: Masterplanning Strategic Development

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 10: Chichester City Development Principles

Policy 13: Chichester City Transport Strategy

Policy 17: Westhampnett/North East Chichester Strategic Development Location

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 38: Local and Community Facilities

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Policy 52: Green Infrastructure

Policy 54: Open Space, Sport and Recreation

Annex A: Green Infrastructure

### 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 paragraphs including 6-13 (sustainability principles) 17 (core planning principles), 32, 34- 39 (transport), 42 (communications infrastructure), 47-50, 52 (housing), 56-66 (design), 69-70, 73, 75 (healthy communities), 96, 99-101, 103 (climate change), 109, 113, 115, 118, 123-125 (natural environment), 128, 129, 131-135, 141 (historic environment), 159, 162, 165, 169-171, 173-177 (evidence base), Decision Taking, and Annex 1.

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:

SDL Planning Concept Statement

Planning Obligations and Affordable Housing SPD (January 2016)

Adopted Surface Water and Foul Drainage SPD (September 2016)

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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:

1. Principle of housing development in this location
2. Capacity of the site to accommodate this level of development
3. Impact on the safety and function of the highway network
4. Foul drainage
5. Surface water management
6. Landscape and visual impact
7. Heritage
8. Noise impact
9. Open space/green infrastructure
10. Ecology
11. Socio-economic impacts
12. Other matters (Air Quality, Contamination and Communications infrastructure)

### **Assessment**

#### **1. Principle of housing development in this location**

8.2 This application marks Phase 2 of the Westhampnett / North East Chichester Strategic Development Location in Policy 17 of the Local Plan. Phase 1 has already secured outline planning permission for the erection of 300 dwellings and a second application has secured outline permission for the provision of related sports playing pitches and a green infrastructure link from Madgwick Lane.

8.3 Policy 17 allocates the SDL for mixed development, comprising 500 homes, community facilities, and open space and green infrastructure, including a linear greenspace with public access along the Lavant Valley. Policy 17 states that development will be masterplanned in accordance with Local Plan Policy 7 (Masterplanning Strategic Development), taking account of a number of site-specific requirements which are listed in the policy. These include the requirement that development will be directed towards the settlement of Westhampnett, to the south of Madgwick Lane (the area covered by the extant outline permission), and to the eastern edge of Chichester, but away from the floodplain of the River Lavant (this application).

8.4 The Council has adopted a Concept Statement for the Westhampnett/NE Chichester SDL which sets the parameters for the masterplanning work, setting out key objectives and planning considerations as recommended in the Council's approved Design Protocol. The Concept Statement for the SDL identifies the parcel of land, the subject of this application, as one of two areas for housing development. The Concept Statement anticipates that this site is to be developed for approximately 150 homes including 30% affordable housing.

8.5 With the reduction in Phase 1 from the originally proposed 350 homes to the now permitted 300 homes, the overall balance to be made up in the 500 dwelling SDL allocation is 200 dwellings rather than the 150 in the Concept Statement. However, subsequent to the Concept Statement, a masterplan and phasing plan has been developed for the whole SDL. This demonstrates how the provision of 500 homes will be delivered across the two sites identified within the SDL with 300 at the Phase 1 site and 200 at the Phase 2 site. Members will recall that both the Site Wide Masterplan and Phasing Plan for the SDL were endorsed by the Planning Committee on 2 February 2016.

8.6 The principle of housing on this site can therefore be supported, subject to compliance with the comprehensive masterplan document for the SDL and the site specific criteria outlined in policy 17, including that the scheme is well integrated with NE Chichester, has green links to the SDNP, is designed with special regard to the landscape sensitivity of the site and to reduce the noise from Goodwood motor circuit and aerodrome, includes new structural planting; comprehensive surface water drainage; new and improved pedestrian and cycle routes linking the site to Chichester city and the SDNP and mitigation measures for potential off-site traffic impacts.

## **2. Capacity of site to accommodate this level of development**

8.7 As outlined above the masterplan sets out the broad parameters of how the development across the whole SDL will meet the provisions of the SDL allocation of 500 homes. The masterplan identifies 200 homes for the site, which is the subject of this outline application.

8.8 Although this application is in outline only, with all matters reserved for consideration at this stage, a set of three parameter plans (Land Use/Access and Movement, Density Plan and Building Heights Plan) and a detailed illustrative proving layout have been provided to demonstrate how the site could deliver up to 200 homes, of a range of types and sizes of units with 30% affordable housing.

### Housing

8.9 The illustrative proving layout shows an internal housing layout based on perimeter blocks. A hierarchy of streets is proposed, with the main primary and secondary routes linking into a network of tertiary streets and areas of shared surface. Whilst 'access' is technically a reserved matter, the application confirms that there will be a single point of vehicular access to the site and that this will be from the north-east corner of the Phase 4 development at Graylingwell Park where the development of 160 new homes (CC/15/02506/REM) has commenced. The approved road layout within Phase 4 provides for an approximately 5.5-6 metre wide road from where it is anticipated a through connection will be made at the boundary with the application site. The exact position and layout of this access point will be determined at the reserved matters stage and will be subject to a Stage One Road Safety Audit. All traffic generated by the proposed development will utilise Kingsmead Avenue as the only point of access/exit. There will be no traffic rat-running westwards through Graylingwell Park to try to gain access to College Lane/Summersdale Road. The section 106 agreement at the requirement of WSCC Highways will necessitate the alterations to the Kingsmead Avenue/Palmers Field Avenue junction and the installation of the bus gates at Graylingwell Park (both secured as part of the main Graylingwell development) to be in place before the proposed development commences, if Linden Homes (the developers of Graylingwell Park) have not first carried out these works.

8.10 With regard to the internal street widths, the primary loop road through the site will be approximately 6m wide, with 5m wide secondary routes and 4.8m wide tertiary routes. The illustrative proving layout shows the parking provision predominantly on-plot with some provision within parking courts and on street parallel bays which mimic the existing facilities within Graylingwell Park and the surrounding area. A dedicated pedestrian and cycle path is shown providing a loop around the application site which has links into the Lavant Valley Linear Greenspace and the surrounding area. Potential opportunities to connect/integrate the development through to Winterbourne Road via pedestrian and/or cycle links will be explored at the reserved matters stage when considering 'layout', but the submitted parameter plans show a number of potential points where access routes could be created subject to permission being obtained from the adjoining landowner. The overall design approach of providing housing in perimeter blocks with a hierarchy of streets is an acceptable approach for the housing layout and is supported by the Council's Design and Conservation Manager.

8.11 Although the housing mix will be defined at reserved matters stage, the illustrative proving layout (combined affordable and market mix) has been provided for illustrative purposes at this stage. The indicative mix shown on the illustrative proving layout details a total of 200 dwellings. The housing officer, in her consultation response above, advises that the proposed illustrative housing mix contains too many 4 bedroom houses (6 too many) for the market mix (9 too many for the overall market and affordable combined) and would not therefore comply with the Strategic Housing Market Assessment (SHMA) recommendations. The final housing mix would need to comply with the SHMA, which would be determined through consideration of future reserved matters applications. The S.106 agreement with this application will follow the same approach as with the agreement on the phase 1 permission in that it will require a further S.106 agreement to be submitted with the reserved matters application to demonstrate that the mix/tenure of the affordable units conforms with the SHMA requirements. The illustrative housing mix does however demonstrate that it would be possible to provide up to 200 homes at an appropriate mix of housing, where the mix is required to deliver a number of smaller units than currently being shown on the illustrative proving layout. The distribution of the affordable housing, to ensure appropriate pepper potting, would be determined at reserved matters stage.

8.12 The Illustrative Density Analysis Plan repeats the Density Parameter Plan but has been additionally annotated to show a range of proposed densities across the site. The average density overall is 31dph which equates well with the Local Plan where a density of 35dph is considered broadly appropriate on most sites (LP paragraph 17.6 page 158). The densities are expressed on the parameter plan as north to south bands of development. These range from a low of 20dph (27 units) for a swathe of development along the outer eastern boundary and 30dph (88 units) for the central section of the site. The highest density levels of 45dph (85 units) are located on the elevated western part of the site adjacent to the proposed development at phase 4 Graylingwell Park and the existing development at Winterbourne Road. The approach regarding density is acceptable to officers as it will ensure that the development respects the landscape sensitivities of the site and will help establish the development within its surroundings. As proposed, the lowest densities and therefore the loosest pattern of development would be located adjacent to the more sensitive boundaries, this being the area of urban/rural transition from the developed part of Chichester to the countryside. The highest densities comprising the tallest buildings are adjacent to the west boundary and would be read against the existing backcloth of housing within the settlement boundary of Chichester including the 3.5 storey flatted development approved in phase 4 Graylingwell Park.

8.13 Although 'scale' is a reserved matter, the Building Heights parameter plan suggests a development of predominantly 2 to 2.5 storey dwellings which is commensurate with the existing scale of development in Summersdale. The masterplan strategy is for the building heights to gradually step down in scale at half storey intervals as you pass down the slope from S/SW to E/NE. The Building Heights parameter plan therefore shows the tallest buildings (up to 3 storeys) comprising apartment blocks located on part of the southern and western edge of the development adjoining phase 4 Graylingwell Park (where 3-3.5 storey buildings have been approved) and Winterbourne Road, then a 3-2.5 storey transition zone and then development restricted to 2 storeys at the eastern/north eastern edge of the site where it adjoins the River Lavant. In general terms, the approach outlined on the parameter plan with regard to the heights of the proposed dwellings reflects that proposed on the density parameter plans. It is considered that the development in this form is acceptable and will respect the landscape sensitivities of the site and its surroundings.

### Open Space and Landscaping

8.14 In terms of the site's capacity to absorb the different components of the proposed development, it is not only the physical presence of the buildings and the access roads themselves but the necessary open spaces, surface water drainage features and landscaping elements which need to be accommodated. The site contains the correct amount of open space according to the Council's Open Space Calculator including equipped play space, amenity open space and allotments and this is shown on the parameter plans as well as on the illustrative plans. The eastern margin of the site has a number of significant functions to perform to service the development in terms of tree planting to screen the development, the provision of informal semi-natural greenspace, surface water drainage features and allotments but officers are confident based on the illustrative 'layout' that these can be accommodated satisfactorily. The finer detailing of the scheme will be considered at reserved matters stage.

### **3. Impact on the safety and function of the highway network and site access details**

8.15 The application's wider transport impacts, specifically on the trunk road network, were evaluated in detail during the preparation of the Local Plan. Within this application, Highways England has raised no objections to the development, subject to a financial contribution towards the A27 Chichester Bypass junction improvements. This would be secured by way of the S106 Agreement which would require the applicant to enter into a S278 agreement with Highways England. In terms of the additional traffic movements that would be generated by the development, the modelling based on the Chichester Area Transport Model (CATM) reveals 66 two-way vehicle trips in the AM Peak (08:00-09:00) and 70 two-way vehicle trips in the PM Peak (17:00-18:00). Assessment of the development has looked at the different off site scenarios and junction modelling in terms of all other committed schemes in the locality for the period 2018-21 analysing lengths of queues and anticipated delays based on the CATM and concluded that overall the above figures are representative and acceptable.

8.16 The transport sustainability of the site was also explored in detail through the Local Plan preparation and adoption process. Chichester city centre and the range of services and facilities it provides are highly accessible being within a 25 minute walk or a 10 minute cycle ride. The bus stops close to the site at Graylingwell Park also provide greater transport choice.



8.17 In summary on this issue and with reference to NPPF paragraph 32, taking account of the site specific mitigation measures proposed (the footways and cycle links and the travel plan), it is considered that this development would not result in a severe residual cumulative impact. No technical objections have been raised by Highways England or WSCC as the local highway authority. The development would need to contribute through CIL towards measures listed within policy 13 of the Local Plan. This would include improvements towards the Westhampnett Road mini roundabouts and the Chichester to Tangmere cycle route. The development would also be required to implement a travel plan to encourage the use of alternative transport modes. The proposal therefore complies with the relevant criteria of policies 13, 17 and 39 of the Local Plan.

#### **4. Foul drainage**

8.18 Policy 17 requires that development will be dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards. The supporting text at paragraph 12.52 states that development will be reliant on additional wastewater capacity, which would be provided by a sewerage undertaker and that future capacity has been identified at Tangmere WwTW following its proposed expansion/upgrade in 2019 (now confirmed to be December 2017). The development will be required to fund the necessary wastewater infrastructure linking the site to Tangmere WwTW.

8.19 The Committee will recall that the permission for phase 1 proposes that foul water drainage will be taken to Tangmere WwTW via a link to the existing sewer pipe along Stane Street, subject to appropriate upgrading (provided that alternative arrangements are not made to drain the site via the strategic pipeline that will be constructed as part of the West of Chichester SDL). For phase 2 the developer proposes the same strategy but again with the potential that foul drainage could be taken via the strategic pipeline. Southern Water has again confirmed that there is not currently sufficient local infrastructure to accommodate the needs of this development and that there would need to be an upgrade.

8.20 In conclusion on this issue, officers are satisfied that, with the appropriate conditions and timetabling as with phase 1, the off-site infrastructure upgrade and the foul sewerage capacity to serve the proposed development at Tangmere WwTW will be available and operational prior to it being required to serve the development. This takes into consideration the time taken for the approval of reserved matters, the subsequent discharge of conditions and then construction. On this basis officers are satisfied that first occupations of the development will not occur until after December 2017.

#### **5. Surface water management**

8.21 The application site is predominantly in flood zone 1, however part of the site near the south-east corner is in Flood Zone 2 and a small part in the northern part of the site is in Flood Zone 3. The land presently discharges storm water to the River Lavant on the east boundary of the site.

8.22 The proposed surface water drainage strategy in the Flood Risk Assessment confirms the site naturally has a shallow gradient falling generally in a south easterly direction. The SuDS features are therefore logically positioned in a line along the eastern boundary with the River Lavant, with a conveyance basin in the south-east corner. The final drainage design will be required to be informed by a full hydrological and hydrogeological assessment taking climate change into account. The Council's Drainage Officer has advised

that infiltration methods must be prioritised and where infiltration is not possible, then discharge to a watercourse could be acceptable at no greater than greenfield levels. This is recommended to be covered by condition, as is the agreement of a detailed management and maintenance schedule.

8.23 The illustrative drainage plan shows the SuDS detention basins stretched out and linked in a line at the eastern site margin and occupying the majority of the green space and perimeter planting area. The final size and configuration will depend on the results of the monitoring and final design. The SuDS detention basins may have the capacity to function as informal open space if the gradients of the basin are suitably shallow (i.e. 1:3 as indicated), and water is not held in this location for an extended period. The lowest point of the basin therefore needs to be higher than the peak groundwater level.

8.24 The assessment to date on the principles of surface water management has identified that all built development will be located in flood zone 1, with space available on site to enable SuDS methods to be used as a priority. The final detailed design will be expected to demonstrate there will be no risk of flooding either on site or in the surrounding area. The proposal in this regard complies with Local Plan policy 42 and section 11 of the NPPF and is acceptable.

## **6. Landscape and visual impact**

8.25 Policy 17 (bullet 4) of the Local Plan requires that development should be designed with special regard to the sensitivity of the site, especially in terms of views towards and from the South Downs National Park. It also seeks major new structural planting to soften the impact of development on views from the north and around the Motor Circuit/Aerodrome. Local Plan policies 33, 47 and 48 and Appendix A also refer to landscape matters. National level policy context is provided in the NPPF and the English National Parks and the Broads: UK Government Vision and Circular 2010. The application is supported by a Landscape and Visual Impact assessment prepared by Tyler Grange.

8.26 The application is supported by the SDL masterplan and SDL phasing plan. As the principle of the allocation and the wider landscape impacts of the development in broad terms have been assessed through the Local Plan process, this assessment relates to the impacts anticipated from the application development itself, based on the submitted parameter and illustrative plans.

8.27 'Landscaping' remains a reserved matter on this application so the submitted details shown on the parameter plans and illustrative open space and green infrastructure plan together with the Tyler Grange report are not submitted for approval at this stage although it is recommended that the fundamental principles they establish be carried through to the reserved matters stage by condition. The Design and Access Statement identifies a Landscape Strategy for the development. Integrating a new development of 200 homes visually with the existing settlement at Chichester on a prominent sloping site which already has a well defined green edge and without it appearing unduly prominent is challenging. The applicant has approached this on a number of fronts. The first approach has been to work with the contours of the site by introducing formal lines of tree planting following the N-S route of roads within the site as they traverse the slope. The intention is that over time the lines of these trees and their crowns in particular will create a terracing or layering effect, breaking up the development's built form as it rises from the River Lavant to meet the higher ground at Graylingwell.

8.28 The second approach indicated on the parameter plan is to introduce informal tree planting along the line of the River Lavant. The intention here is not to create a continuous line of planting in an attempt to hide the development but to break up and soften the overall built form in the same way that the formal street planting proposes. It is also relevant that the eastern edge of the development is proposed with dwellings which face out towards the River Lavant rather than backing onto it in order to provide an attractive development edge that comprises well designed, high quality dwellings set behind a vegetated linear green space. The third approach which Tyler Grange recommends in its supplementary supporting note is the gapping up of the strongly vegetated Stocks Lane bridleway bordering the Goodwood Motor Racing Circuit (GMRC). The existing hedgerow along Stocks Lane is continuous but for occasional gaps from which the site is currently seen against the adjoining backdrop of the settlement edge of Chichester with Graylingwell Tower a feature in the view and the open arable Lavant valley landscape in the foreground. The gapping up with native species hedgerow maintained at above head height as existing will provide a continuous screen (save for the field gate access) containing views. A short section of Fordwater Road adjacent to the river at the north end of the site is also to be planted up with hedgerow again to restrict more distant views from this aspect. Crucially both the above areas to be infilled with new hedgerow planting are within the 'blue' land on the application i.e. land within the applicants control and the Council can therefore impose appropriate conditions to mitigate the landscape impacts of the development.

8.29 The Landscape Visual Impact Assessment (LVIA) produced by the applicant has been assessed by Hampshire County Council landscape services (HCC) as consultants on behalf of CDC. HCC comment that whilst there are areas in the LVIA which are agreed, the disagreement generally relates to the rating of the landscape quality/sensitivity which HCC consider is more sensitive. However, HCC recognise that this opinion must be balanced against the fact that the Council has allocated the land for development. In terms of the wider landscape impact from hill tops within the SDNP at St Roches Hill, Halnaker Windmill and The Trundle officers are of the opinion that the intervening distance of 4-6km effectively flattens out the landscape impact to the extent that the rooftops of the development will appear assimilated into the existing backcloth of the city.

8.30 The proposal shown on the Building Heights Parameter Plan locates the tallest and highest density properties on the highest ground. Whilst there would appear to be an urban design logic in locating the highest density development adjacent to the existing city edge, and reducing the density as it moves outwards towards the rural edge, there is a potential dilemma with this approach on this particular site in that the tallest buildings may become more prominent. It is relevant to note however that the Graylingwell Phase 4 reserved matters application increased building heights when compared to the 2009 outline application to which it was pursuant by proposing areas of 3 and 4 storey development adjacent to the Westhampnett / North East Chichester SDL Phase 2 Site. This was because it was evident that this part of Graylingwell would no longer be the edge of the settlement as was originally thought in 2009 and that it was therefore appropriate for development which is more urban in nature given the context of the adjacent SDL site which would in turn provide a new transition to the rural edge. Officers consider that an appropriate transition of height and density should be established through the SDL Phase 2 site by setting the parameters of the development out as proposed. On balance therefore, it is considered that the focus of development of greater height (up to 3 storeys) and density (up to 45dph) in this area grading out to lower height (up to 2 storeys) and density (up to 20dph) along the eastern boundary is acceptable in principle.

8.31 It is therefore considered that on balance, the principles of the landscaping outlined on the parameter and illustrative plans comply with the requirements of Local Plan policy 17. From longer distances, including viewpoints within the South Downs National Park, it is considered that the development will be viewed in the context of the wider setting of Chichester city. The wider setting of the SDNP and of Chichester city will be affected to some degree, as would be expected by the delivery of a large housing allocation, however these impacts can be acceptably mitigated and are considered not to be significant and are outweighed by the benefits of delivering 200 houses on the portion of the SDL allocated for housing through the Concept Statement. Final details of all elements of the scheme, including lighting, will be reserved for careful assessment at a later stage.

## **7. Heritage**

8.32 The application site is immediately adjacent to the north east and east of the Graylingwell Conservation Area/Registered Historic Park and to the north east of the Grade II listed hospital chapel and Grade II listed Graylingwell Farmhouse. The fact that the development site has proximity to such designated heritage assets requires that an assessment is made of any potential harmful impact of the new development on their setting in accordance with section 12 of the NPPF. The reality on the ground is that there is, or will be once the on-going development at Phase 4 Graylingwell Park is completed, no intervisibility between the application site and the group of designated heritage assets. As a result of this there will be only a negligible effect on the setting and significance of the designated heritage assets. Due to this lack of intervisibility it is considered that there are also no cumulative effects on the significance of the assets concerned. The existing thick vegetation along and beyond the application site's south western boundary, combined with the on-going development to the north of the chapel which is within the Conservation Area, have the effect of severing the visual connection with the agricultural land of the application site. While parts of the wider agricultural landscape in the Lavant Valley may contribute to the significance of the assets to some degree, this visual separation between the application site and the designated assets means that there will be a negligible effect on the significance of the designated heritage assets because the development will not be experienced from the assets.

8.33 The retained water tower at Graylingwell though not individually listed is nevertheless a heritage asset which is visible from a significant distance including vantage points in the SDNP, signposting as it does this part of the City. By placing the tallest buildings on the proposed development on the highest ground there could be potential for the watertower's prominence to be undermined. However it should be noted that the tallest buildings on the development at 3 storeys are proposed to be located adjacent to the tallest 3.5 storey buildings in phase 4 and so will not compete with or impact on external views any more so than the form of development that has already been approved. The Watertower in any event remains taller than all the permitted and proposed apartment blocks and it is considered that its significance when viewed from the SDNP to the north will not be compromised.

8.34 In conclusion on this issue, the level of detail provided in this outline application suggests that harm to the setting and significance of the Grade II and unlisted heritage assets will be less than substantial and notwithstanding this important assessment, are outweighed by the public benefits of developing the site for new housing. The details of building form, location, appearance and landscaping will be subject to a further detailed application and will be required at that stage to demonstrate all reasonable efforts to reduce any impact on the setting of adjacent listed buildings and heritage assets. On this basis the proposal is considered to comply with the NPPF and policies 17 and 47 of the Local Plan.

## 8. Noise impact

8.35 Local Plan policy 17 (bullet 4) requires that any development should be designed to reduce the impact of noise associated with the Goodwood Motor Circuit /Aerodrome. The supporting text at paragraph 12.50 (bullet 1) indicates that housing development should not be within 400m of the boundary of Goodwood Airfield and Motor Circuit. It goes on to state that it may be possible for limited development to occur within 400m of the circuit, subject to any proposal demonstrating that there would be no adverse noise impact on the occupiers of the proposed housing development and no adverse impact on building design or development layout resulting from proposed noise mitigation measures.

8.36 The illustrative proving layout which is not submitted for approval under this application shows part of the proposed residential development lies within 400m of Goodwood Airfield and Motor Circuit although the degree of incursion into that 400m zone depends on where the measurement is taken from. As measured from the outer edge of the bund surrounding the airfield approximately 30 dwellings would fall within the zone. However, as measured from the outer edge of the motor racing track (the source of the noise itself) which is the basis on which the Council's EH officer has based his assessment approximately 15 dwellings are likely to fall within 400 metres. The applicant justifies the likely incursion with reference to the noise assessment prepared by Cole Jarman.

8.37 The current illustrative layout of the development shows the nearest houses to the GMRC are facing east with gardens behind. The EH officer's view is that as the noise is most likely to affect persons outdoors then the built form of the housing will afford a barrier to the propagation of noise and reduce the noise experienced by persons in their garden areas. The Council's EH officer has advised that some flexibility by encroachment of 30m within the 400m buffer zone as proposed may therefore be considered acceptable in this case. In terms of the noise impact overall the EH officer identifies that the noise levels from Category 1 Historic Racing events on 5 days per year will be much more noticeable and will result in a degree of disturbance to some residents but that this is a legacy of previous planning decisions which is noisy and already affects residents further afield. The conclusion of the EH officer is that the final design and orientation of any residential property must be of the highest standard to counteract some of these noise realities and modelling uncertainties. The objective of the design process must be a building envelope that provides a good standard of internal noise and outside areas where a maximum noise level as recommended by the World Health Organisation (WHO) can be achieved in order to avoid significant annoyance. A specific condition is recommended controlling the detailed design of the proposed dwellings in terms of sound insulation against external noise and in terms of the laying out of the garden areas and any balconies.

8.38 In conclusion on this issue, the acoustic impacts of a residential development of 200 dwellings on this site have been carefully considered by the Council's EH officer. It is acknowledged that in respect of the 5 days of Historic Racing Events there will be a negative impact on residential amenity but that this is an accepted impact in planning terms which extends far beyond the application site. For the majority of the site for most of the time the noise impact will be within WHO accepted guidelines. Importantly there is no demonstrable case that a 30 metre incursion inside the 400 metre noise zone by approximately 15 dwellings as indicated on the illustrative proving layout for the majority of the year would be unacceptable in amenity terms. The impacts of the particular development detail in terms of the layout and form of dwellings will be reviewed through the reserved matters application(s) and it is expected that the development will be designed and delivered in accordance with

acoustic recommendations and conditions proposed on this application. On this basis, the development is considered to comply with Local Plan policy 17 and NPPF paragraph 124. Construction noise can be controlled by condition.

## **9. Open space/green infrastructure**

8.39 An integral part of the masterplan for the SDL is the provision of green infrastructure, both within each residential development parcel and on land connecting the two where the playing pitches and linear accessible green space are to be provided.

8.40 As suggested on the illustrative Open Space and Green Infrastructure Plan, the total provision of open space, including equipped, formal and informal green and open space, is 2.093ha which is in excess of the policy requirement as set out in the Planning Obligations and Affordable Housing SPD which is in total 1.573ha (as informed by the Open Space Calculator based on the submitted illustrative housing mix). Officers acknowledge that the location of some areas of open space, particularly the central green and the equipped play area, may need further consideration alongside the layout details at reserved matters stage, however the quantum of space meets the requirements of the Planning Obligations and Affordable Housing SPD.

8.41 The proposed delivery of 200 dwellings generates a requirement for around 0.689ha of sport and recreation facilities. For this application this will be in the form of playing pitches, a sports pavilion and associated parking. The Committee will be aware that outline planning permission CC/15/03884/OUT has already secured the provision of a new sports playing field south of the application site of a size sufficient to provide 2 no. football playing pitches with an overlapping cricket pitch to serve the needs of both phase 1 and phase 2 of the SDL. The phase 1 development of 300 dwellings has already secured one of the two football playing pitches required within this playing field area and this is required through the section 106 agreement on CC/15/03884/OUT to be delivered and available for public use with temporary parking and changing facilities by occupation of the 200th dwelling on phase 1. The second football playing pitch and the cricket pitch within the sports playing field together with a permanent sport pavilion and associated parking on the phase 2 site will be secured through the section 106 agreement on this application with the detailed design coming through the subsequent reserved matters application. It is anticipated that delivery of the second football pitch and cricket pitch will be no later than occupation of the 130th dwelling in phase 2 although at the time of preparing this report the precise trigger was still under negotiation with the applicant. Members will be updated on this issue but Officers are satisfied that on the basis that the proposed facilities follow the intentions of the masterplan and associated SDL phasing plan and provision and delivery are bound by the S106 agreement, that the development complies with Local Plan Policy 54.

8.42 Bullet points 3 and 6 of Local Plan policy 17 emphasise the importance of providing green links to the SDNP. With the proposed provision of the Lavant Valley Linear Greenspace through this application site and the green infrastructure route to be delivered as part of the playing fields permission WH/15/03884/OUT this objective can be met. A continuous new PROW link for both pedestrians and cyclists following the line of the river will be provided from Madgwick Lane north along the river valley to Fordwater Road. This will provide residents of both phase 1 and phase 2 of the SDL with a new recreational route through to the South Downs. To provide continued connectivity for cyclists beyond Fordwater Road to the SDNP PROW network via East Lavant there would need to be an upgrade to one of the two existing footpaths to bridleway status (either footpath 459 [more likely] or possibly 3044). Such a proposal is strongly supported by WSCC and by the South Downs

National Park Authority and is identified in Local Plan Appendix A (A.53; Map A.7 and Map A.9) as a 'desired' connection. Initial costs estimates for this work indicate a sum of approximately £100,000 and in this regard a contribution of £50,000 has been requested from the applicant towards the overall costs of these works which the applicant has agreed to in principle. An obligation in this regard will be included in the S.106 agreement. The green infrastructure elements of policy 17 in this regard are considered to be successfully addressed by the proposals.

## **10. Ecology**

8.43 NPPF paragraphs 109 and 118 emphasis that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The application site is presently an arable field and as such its primary ecological value is in its hedgerows and boundary trees. The eastern boundary with the River Lavant is particularly important ecologically as it falls within the Lavant Biodiversity Opportunity Area (Local Plan Appendix A, Map A.3).

8.44 The retained and new boundaries and green buffers will provide potential habitat and/or foraging opportunities for reptiles, bats, badgers and nesting birds. The use of planning conditions to protect these areas during works and suitable additional and replacement planting, ecological enhancements and an ecologically appropriate lighting scheme would need to be secured through any reserved matters application. The Council's Environment Officer has requested that more details of ecological enhancements along the River Lavant will need to be provided as part of the reserved matters application and this could be conditioned. On this basis, and considering on-site ecological impacts as a whole, the development is capable in this regard of complying with Local Plan policy 49 and Natural England's standing advice on protected species.

8.45 The site lies within the 5.6km buffer for the Chichester Harbour Special Protection Area. The development of up to 200 dwellings is therefore likely to have an in-combination effect on the Solent Maritime SAC. Avoidance measures will need to be adopted to ensure the development will not adversely affect the integrity of the SPA. In accordance with the Solent Disturbance and Mitigation Project (Phase III), the payment of £181 per dwelling is therefore required at or before commencement to ensure the avoidance measures funded by this money are in place prior to first occupation. This contribution will be secured through the Section 106 Agreement. Accordingly, the development complies with CLP policy 50.

### **Socio-economic impacts**

8.46 In terms of the socio-economic impacts of the development, the main principle in general terms is to focus development on Chichester city and its immediate surroundings because the city is the primary settlement in the plan area. In this regard the application site will provide up to 200 dwellings in a sustainable location for accessing goods, services and facilities, including employment and leisure functions. The development will make a significant contribution to meeting local and district housing need, including providing 30% affordable dwellings of various tenures integrated within the site. The construction of the development itself will also deliver economic benefits.

8.47 In combination with the phase 1 proposals which will deliver community facility provision and the separate playing fields permission, together with the highway infrastructure upgrades and green infrastructure links delivered through both phase 1 and phase 2 to ensure transport capacity, it is considered that there will be tangible benefits of delivering this

scheme in socio-economic terms, which will assist in achieving the objectives of the Chichester Local Plan.

## **12. Other matters**

8.48 Land Contamination - In terms of this issue the Council's EH officer has confirmed that the application site has a very low risk. In the event that contamination sources may be found during construction, a watching brief can be secured through a condition. Likewise, pollution mitigation measures to protect land and groundwater contamination during construction and once the site is occupied can be secured through suitably worded conditions. Accordingly the development is considered to comply with NPPF paragraphs 120-122.

8.49 Air Quality - The Council's EH officer has assessed the applicant's air quality assessment report and has concluded that the results are compliant with the relevant air quality standards. The significance of the predicted development impact is considered to be negligible. No residual effects are predicted as a result of the development. The EHO agrees with this assessment and notes that a number of mitigation measures have been put forward in the Transport Assessment submitted with the application (such as providing cycle parking at the site, offering a cash sum for households to spend on sustainable transport such as season tickets for bus or rail, contribution to purchase of a bicycle and 12 months free membership to the local car club). Such measures could be captured through the S.106 agreement in the travel plan.

8.50 Communications infrastructure - The Local Plan recognises that high quality advanced communications infrastructure is essential for economic growth (paragraph 8.15) and advises that development should facilitate where possible the growth of new and existing telecommunications systems to ensure residential and business choice. These aspirations are included within LP policies 7, 8, 9, 33 and 39. The applicant has confirmed that broadband access will be provided to all households on occupation. The full details of this will be sought and approved by condition.

### Significant Conditions

8.51 The recommendation to permit this outline application includes conditions regarding full foul and surface water drainage and management details, construction management plan covering transport and environmental matters, archaeology investigations and reporting, ecological and vegetation protection, noise mitigation and final access details. All detailed matters will then be dealt with by reserved matters application(s) which will be subject to additional conditions.

### Community Infrastructure Levy (CIL)

8.52 The development is also liable to pay the Community Infrastructure Levy. The CIL Charging Schedule sets the tariff for new residential development south of the National Park at £120 per sqm.

### S106 Agreement

8.53 At the time of preparing this report work on the fine detail of the legal agreement including the various triggers is continuing, however it is anticipated that it will need to include the following heads of terms. The Committee will be updated where necessary:



- 30% Affordable Housing - Agreement will specify the requirement to deliver 30% affordable housing on site and include a clause to require a further S106 to be entered into at the first reserved matters application stage to confirm the details of the tenure, size, mix and management and if required a commuted sum for any part unit in the same way as for Phase 1.
- Close the access track from Madgwick Lane to the playing fields to vehicular use before first occupation on any house on the phase 2 site. From first occupation of Phase 2 the playing pitches will only be accessed by car from the Phase 2 site.
- Provide one senior sports playing pitch (football) and a cricket pitch - delivery linked to occupation of 130th dwelling on Phase 2. Provide associated permanent Sports Pavilion to include changing facilities in accordance with Sport England guidelines plus attendant parking - Provide this on Phase 2 site with details of associated management and maintenance thereafter.
- A27 contribution - prior to commencement of phase 2 to enter into a S278 Agreement with Highways England to secure a financial contribution of £202,447 towards the A27 Chichester Bypass junction improvements or any such figure as set out in the adopted SPD.
- Green Infrastructure - Provision of Lavant Valley Linear Greenspace as a publically accessible green infrastructure route, between the playing pitch to the south and Fordwater Road at its northern end, comprising a footpath and cycle path adjacent to the River Lavant, with a minimum width of 3.7m and with a surface suitable for its use in a rural location to be retained in perpetuity. Details of maintenance and management plan to be agreed. Delivery prior to occupation of 130th dwelling.
- Chichester Harbour SPA Recreation contribution (£181 per dwelling so £36,200) at or prior to commencement of development and education packs for new residents prior to first occupation.
- Landscaping, on-site Open Space, children's equipped and non-equipped play areas - delivery, management, maintenance of and timing.
- Phasing plan.
- Section 106 monitoring fee - £4,642
- Highway Works - The applicant would only be required to undertake the works in a, b and c if they or any successor construct the development in advance of - or in the absence of - Linden Homes undertaking such works:
  - a. Northern section of Palmersfield Avenue at its junction with Kingsmead Drive including road realignment and associated road widening, signing, lining and TRO's to control traffic movements and on-street
  - b. Provision of both bus gates (and locations thereof if applicant and/or subsequent developer/owner seeks to construct the development in advance of existing Linden Homes obligations). Development not to be commenced until both bus gates are designed, constructed and in full operation to the satisfaction of the LPA to ensure that all traffic will enter and leave via Kingsmead Avenue.

c. Provision of suitable access to development (in addition to those works set out above) between Palmersfield Avenue/Kingsmead Avenue and site in advance of Phase 4 Graylingwell Park.

- Upgrade footpath 459 to bridleway status - £50,000 contribution payable before first occupation with payback clause if not used.
- Non-adoption clauses (to prevent roads, footways etc. being offered for retrospective adoption).
- Details of long-term Management Plans and Management Company for the development (to include - but not be limited to - all roads, footways, cycleways etc.).
- Travel Plan to be submitted before first occupation.

### Conclusion

8.54 The principle of a housing development on this site has been established, through the allocation of the SDL in the Local Plan and the specific requirements of policy 17, the concept statement and the endorsed masterplan for the SDL. Policy 17 of the Local Plan requires that the SDL as a whole is allocated for a mixed use development comprising 500 homes, community facilities, open space and green infrastructure. Phase 1 of the SDL has already secured outline planning permission for 300 dwellings and the community facilities provision and a separate outline application has secured the necessary sports playing field.

8.55 The parameter plans and illustrative information for phase 2 demonstrate that it is possible to deliver the quantum of development proposed in the outline application, that being up to 200 homes including 60 affordable homes (subject to satisfactory details provided through reserved matters applications), parking, open space and landscaping in a manner which would be in keeping with the character of the surrounding area. Additionally officers are satisfied that the proposed development would not have an adverse impact on the setting of adjacent heritage assets at Graylingwell or residential amenity in terms of proximity to GMRC, or that it would adversely impact on the wider landscape sensitivities from existing public rights of way, or most distant views from the SDNP.

8.56 The proposed development will deliver the remaining balance of homes in one of the Council's four strategic housing sites and is key to the Council delivering its Local Plan housing requirements and maintaining its 5 year housing land supply. The application is therefore recommended for approval subject to completion of the necessary S.106 agreement.

### Human Rights

8.57 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

**DEFER FOR SECTION 106 THEN PERMIT** subject to the following conditions and informatives:-

1) (i) Approval of the details of the layout of the site, (including housing mix), the scale and the appearance of the building(s) or place, the means of access thereto (relating to vehicular, pedestrian and cycle access) and the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, (including housing mix), the scale and the appearance of the building(s) or place, the means of access thereto (relating to vehicular, pedestrian and cycle access) and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

3) The development hereby permitted shall be carried out in accordance with the approved plans in so far as they relate to the matters of detail hereby approved: 5921/L002A; 5921/P001B; 5921/P002B; 5921/P003B.

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

4) No built development approved by this permission shall be located within Flood Zones 2 or 3.

Reason: The above condition is required to ensure that the development proposed is located in Flood Zone 1, in accordance with the submitted Flood Risk Assessment and illustrative plans, and to ensure that this is implemented when the reserved matters layout is approved, in accordance with policy 42 of the Chichester Local Plan: 2014-2029 and paragraphs 100 to 103 of the National Planning Policy Framework.

5) No development shall take place until a scheme for the provision and management of a buffer zone, at least 10 metres wide from the top of the bank, alongside the River Lavant shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone shall be free from built development including lighting, footpaths, domestic

gardens and formal landscaping; and could form a vital part of a green infrastructure provision. The scheme shall include:

plans showing the layout and extent of the buffer zone;

details of the proposed planting scheme;

details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and bodies responsible for ongoing management as part of a detailed management plan.

Reason: In order to protect the biodiversity and ecological value of the habitat adjacent to the river course and to ensure that the detailed design of the buffer scheme is appropriate, in accordance with paragraphs 109 and 118 of the National Planning Policy Framework.

6) Development shall not commence until an overall site-wide foul water drainage scheme and full details of the proposed off site means of foul sewerage disposal to Tangmere Waste Water Treatment Works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. No dwelling shall be occupied until all off-site provisions enabling foul drainage only to Tangmere Wastewater Treatment Works have been confirmed operational and fit for purpose.

At or before reserved matters stage for each phase of the development hereby permitted a foul water drainage scheme shall be submitted to and be approved in writing by the Local Planning Authority. This should accord with the overall site-wide foul water drainage scheme.

The foul water drainage scheme shall be implemented for each phase as approved unless any variation is agreed in writing by the Local Planning Authority.

No building in any phase shall be occupied until the complete foul water drainage system serving the properties of that phase has been implemented in accordance with the agreed details.

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.

7) An overall design strategy for the development for the site as a whole including details of the different character areas, palette of materials and architectural approach shall be submitted with the first application for reserved matters relating to but not exclusively reserved to matters of scale, appearance or layout and all subsequent applications for reserved matters shall demonstrate how the details are in accordance with the approved design strategy.

Reason: To ensure consideration is given to the development as a whole in the interests of amenity and to ensure a development of visual quality.

8) No development shall be commenced until plans showing suitable internal access roads and footpath layouts (including links up-to and abutting the western boundary of the site) have been submitted to and been approved in writing by the Local Planning Authority after consultation with West Sussex County Council as the Local Highway Authority. The development shall thereafter be carried out in accordance with the approved plans.

Reason: To ensure fit-for-purpose access roads and footpaths constructed to appropriate design and safety standards.

9) The development hereby permitted shall not be constructed until full details of the access to Phase 4 of the Graylingwell Park development has been shown on a plan to be submitted to and agreed in writing by the Local Planning Authority after consultation with West Sussex County Council as the Local Highway Authority. Details shall include (but not necessarily be limited to) visibility splays, pedestrian and cycle access, emergency access and recommendations of any associated Road Safety Audits. The development shall thereafter be carried out in accordance with the approved plan/s.

Reason - To ensure fit-for-purpose roads constructed to appropriate design and safety standards.

10) The development hereby permitted shall not be commenced until the accesses, highway works (both on and off-site) and bus gates as referred to in S106 Agreement have been constructed to a final specification to be agreed in writing with the Local Planning Authority after consultation with West Sussex County Council as the Local Highway Authority.

Reason: To ensure fit-for-purpose accesses constructed to appropriate design and safety standards.

11) Prior to the commencement of the development, details showing the proposed location, installation and ongoing maintenance of 6 (six) fire hydrants (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.

Prior to the first occupation of any dwelling hereby approved the fire hydrants shall be installed in accordance with the approved details (including connection to a suitable water supply which is appropriate in terms of both pressure and volume for the purposes of fire-fighting).

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 Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The F&RS Act 2004.

Note:

As part of the Building Regulations 2004, adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments (BS5588 Part B 5). For further information please contact the Fire and Rescue Service.

12) Details of any external lighting for a phase of the site including street lighting shall be submitted to, and be approved in writing by the Local Planning Authority prior to the commencement of that phase of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The lighting scheme should take into consideration the presence of bats in the local area and the scheme should minimise

potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

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

13) No construction shall be carried out on any phase of the development unless and until a full schedule of all materials and finishes for that phase and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings and surfacing materials of that phase have been submitted to and been approved by the Local Planning Authority. All approved materials and finishes shall be used for the development 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.

14) Before work begins on any phase of the development hereby permitted details of site levels and longitudinal and latitudinal sections through the site of the dwellings for that phase shall be submitted for the approval of the Local Planning Authority to show how the buildings shall be set into the ground and any re-profiling of the land. The development shall be carried out in accordance with the approved details.

Reason: This is required pre-commencement to ensure acceptable levels are used throughout the development process.

15) No development shall take place unless and until a Construction Management Plan comprising a schedule of works and accompanying plans has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- Details of street sweeping;
- construction working times including delivery times;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- Evidence of consultation with neighbours prior to works commencing.
- Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.

- A Section 59 Agreement (only if HGV construction vehicle numbers exceed 20 per-day throughout course of development).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason - To ensure safe and neighbourly construction in the interests of amenity and road safety

16) No development shall commence on any phase until full 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 systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA and be supported by percolation testing to BRE 365, or similar approved. Winter groundwater monitoring to establish highest annual ground water levels will be required to be undertaken prior to the submission of details under this condition to support the design of any infiltration drainage.

At or before reserved matters stage for each phase of the development hereby permitted a detailed surface water drainage scheme for that phase shall be submitted to and be approved in writing by the Local Planning Authority. This should accord with the overall site-wide surface water drainage scheme and include a timetable of implementation of the overall site-wide surface water drainage infrastructure.

The surface water drainage scheme shall be implemented for each phase (including any necessary site-wide infrastructure) as approved unless any variation is agreed in writing by the Local Planning Authority.

No building in any phase shall be occupied until the complete surface water drainage system serving the properties of that phase has been implemented in accordance with the agreed details.

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.

Note: No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public gravity sewer, rising main or water main.

17) The development hereby permitted shall not be begun until a scheme to deal with contamination of land or groundwater has been submitted prior to the commencement of development and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

(1) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

- (i) A desk-top study has been completed, and
- (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
- (iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.

(2) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a verification report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

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. An investigation and risk assessment must be undertaken in accordance with the requirements of (1) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (2) above. The building hereby permitted shall not be occupied unless and until approval is granted for this Verification Report.

Note - the above requirements shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Informative: For further information and technical guidance regarding the requirements of this condition applicants should contact the District Council's Environmental Protection Team (01243 785166).

18) The development hereby permitted shall be carried out in accordance with sections 1.3 'Required Actions' and 6 'Recommendations' of the submitted Ecology Report (Baker Consultants Limited, August 2016) with the detailed, site specific measures to be submitted for approval as part of each subsequent application for reserved matters and prior to the commencement of works.

Reason: To minimise the impacts of the development on biodiversity, habitats and species.

19) Development shall not commence on the SUDS system for a phase until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System serving each phase, the owner or



management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22. The details are required pre-commencement to ensure the SuDs are designed appropriately and properly maintained and managed as soon as they are installed.

20) An archaeological investigation of the site shall be carried out in accordance with a specification to be submitted to and agreed by the District Planning Authority in writing before the commencement of any building works. The specification shall include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance thus identified. The investigation shall be undertaken by an appropriately qualified archaeologist, and shall include the recording of findings and subsequent publication of results.

Reason: This site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development.

21) Development shall not commence on a phase until full details of how that phase of the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband) 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 comply with policies 8, 9, 33 and 39 of the Chichester Local Plan. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

22) The development hereby permitted shall be designed and constructed to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development unless any variation to the requirements of this policy are specifically agreed in writing by the Local Planning Authority.

Reason: To accord with policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and the principles of sustainable development as set out in the NPPF.

23) Before construction commences of the superstructure of any dwelling hereby permitted a scheme for protecting the proposed development from external noise shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include the following measures and once approved shall be implemented prior to first occupation.

a) The design specifications of the dwellings shall produce a high standard of sound insulation and result in a good design standard for indoor ambient noise levels in spaces when they are unoccupied, reference to BS 8233:2014, with adequate ventilation needs.

b) The design specifications of the gardens and balconies should aim to provide for protection from external noise so that the noise level does not exceed 50 dB, LAeq,16h (0700-2300 hrs), and in all outdoor areas the noise should not exceed 55dB, LAeq,16h (0700-2300 hrs), except on Category 1 days.

Reason: To safeguard the amenity of future occupants.

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

Reason - To encourage and promote sustainable transport.

25) No part of a phase of the development shall be first occupied until covered and secure cycle parking spaces for that phase have been provided in accordance with plans and details 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.

26) Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, adequate wastewater treatment facilities exist to effectively drain the development and the Local Planning Authority has confirmed this in writing.

NOTE: The development will be dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards.

Reason: To ensure proper provisions are in place for wastewater disposal prior to first occupation.

27) No part of a phase of the development shall be first occupied until the car parking spaces for that phase have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

28) The development hereby approved shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with West Sussex County Council as the Local Highway Authority to prevent surface water draining onto the public highway (including any PRow).

Reason - In the interests of road safety.

29) The development hereby permitted shall not be occupied until the pedestrian and cycle access to Fordwater Road - part of the Lavant Valley Linear Greenspace - has been constructed in accordance with detailed plans to be submitted to and agreed by the Local Planning Authority after consultation with West Sussex County Council as the Local Highway Authority. Details shall include (but not necessarily be limited to) visibility splays, pedestrian

and cycle access considerations and recommendations of any associated Road Safety Audits.

Reason - To ensure fit-for-purpose access on foot and by cycle roads constructed to appropriate design and safety standards and to encourage access by non-car modes.

30) Construction of the development hereby permitted shall not take place other than between the hours of: 07.30 hours - 18.00 hours Mondays to Fridays inclusive; 07.30 hours - 13.00 hours on Saturdays; and not at all on Sundays or Public Holidays.

Reason: To protect the amenity of the locality and of the occupiers of the neighbouring dwellings.

31) Any garage building(s) shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason - To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

## INFORMATIVES

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

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

3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

4) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD, 0300 0600300,

enquiries@naturalengland.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August) or ensure an ecologist is present on site and has checked the site within 24 hours of any works.

5) Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website: [www.westsussex.gov.uk/highways](http://www.westsussex.gov.uk/highways).

6) Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered civil engineer to the satisfaction of the LPA.

7) The applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980. This Agreement is required due to the extraordinary traffic that would be generated during the construction works and to provide a means of making good the public highway following the cessation of construction traffic and building work on the site.

8) The applicant should contact West Sussex County Council Legal Services Team in order to establish the appropriate procedure for any diversion or Stopping Up of PRoW if so required. No works (including obstructions/closure etc.) should be commenced to/on the highway until appropriate permissions are received to do so.

9) The applicant should contact West Sussex County Council Legal Services Team in order to establish the appropriate procedure for any Stopping Up of Highway associated with the implementation of any highway works. No works (including obstructions/closure etc.) should be commenced to/on the highway until appropriate permissions are received to do so.

10) The applicant is advised that the Environment Agency's position is based on the understanding that no substantial land raising is proposed within Flood Zones 2 or 3. Raising ground can detrimentally affect the floodplain storage capacity of land and thereby increase flood risk elsewhere.

Any proposals for land raising that come forward in the reserved matters for layout or landscaping will need to be supported by a site specific FRA that demonstrates that flood risk will not be increased elsewhere.

11) The applicant is advised that the development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any temporary or permanent proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Lavant, designated as a 'main river'.

Some activities are excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission.

Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

12) The applicant is advised that in relation to condition 4, the development is partially located within Fluvial Flood Zones 3 and 3 at the site's eastern boundary with the River

Lavant. These extents indicate land with a high (1 in 100 year) and medium (1 in 1000 year) probability of flooding from the River Lavant. The submitted information demonstrates that dwellings can be located outside areas of fluvial flood risk, including an allowance for the impacts of climate change and the risks associated with a potential blockage downstream culvert. This demonstrates that a sequential approach has been taken. The assessment and mitigation measures in the submitted FRA area based on proposals to locate all dwellings within Flood Zone 1 and therefore outside of the design flood (1 in 100 year) and extreme flood (1 in 100 year) extents. This is an adequate assessment subject to development being implemented as described in the FRA and indicative masterplans i.e. all built development within Flood Zone 1.

For further information on this application please contact Jeremy Bushell

# Agenda Item 6

Parish: Westhampnett	Ward: Lavant
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**WH/17/00014/FUL**



**Proposal** Proposed two storey rear extension to previously approved dwelling.

**Site** Wherstead Coach Road(North) Westhampnett PO18 0NX

**Map Ref** (E) 488278 (N) 106174

**Applicant** Mr Adrian Girdler

**RECOMMENDATION TO PERMIT**

		
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## 1.0 Reason for Committee Referral

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site is located within the Settlement Boundary and Parish of Westhampnett - located on a corner plot to the south of Stane Road and west of Coach Road.

2.2 The application site is adjoined by residential properties and gardens to the south and west. A 2 storey detached dwelling recently approved under application reference 16/01103/FUL is currently under construction on the site and is the subject of this proposal, At present the boundary treatments comprise of mainly 1.8m fences. The site is relatively flat and there is a watercourse running close to the western boundary of the site

## **3.0 The Proposal**

3.1 This application proposes a rear extension to an approved dwelling that is currently under construction. The extension would be 7.5m (width) x 2m (depth) x 6.4m (ridge height) and would enlarge the living room and bedroom within the roof.

## **4.0 History**

16/01103/FUL

PER106

Proposed dwelling on land adjacent to Wherstead and proposed vehicular access to existing dwelling.

## **5.0 Constraints**

Listed Building	No
Conservation Area	No
Rural Area	No
AONB	No
Strategic Gap	No
Tree Preservation Order	No
South Downs National Park	No
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

Email received 07thMarch - I can clarify that this is an OBJECTION from the Parish Council.

Received 31/01/2017; The proposed development together with the double garage (application 16/04079/DOM) and the retrospective extension on the current property (16/03076) constitutes a significant over development of the site, resulting in the original site being almost completely concreted over.

## 6.2 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

## 6.3 CDC Environmental Health - Contaminated Land and Air quality

Given the location of the site it is recommended that informative W39F is applied as there is a closed landfill site approximately 70m from the site. As the application is for a modest extension to an existing permitted dwelling, an informative has been recommended on this occasion.

Please note: these comments are made with respect to land contamination and air quality issues only.

## **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 Westhampnett 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 6: Neighbourhood Development Plans
- Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
- Policy 29: Settlement Hubs and Village Centres
- Policy 33: New Residential Development
- Policy 40: Sustainable Design and Construction
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity

### 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 paragraphs 17 (Core Planning Principles), 32, 56, 59, 60 and 64.

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

B1 – Managing a changing environment

## **8.0 Planning Comments**

### Assessment

8.1 The proposed development constitutes an enlargement of a dwelling within a built up area and therefore the principle of the development would be acceptable. The main considerations in this case are whether the development would have an acceptable impact on;

- i. Visual amenities
- ii. Neighbouring amenities
- i. Impact on visual amenities

8.2 The property is currently under construction and would be increased in size, bulk, mass and scale to the rear only. The plot is considered to be of a sufficient size to accommodate the proposed extension without appearing cramped or overdeveloped. The increased size and bulk as a result of the 2m deep rear extension would bring the property closer to the eastern boundary; however, space would remain between the built form and the boundaries - the closest boundary would be that to the east at 1.5m. The use of matching materials such as the stated; concrete roof tiles, brick to ground floor and coloured render to first floor, is likely to respect the character and quality of the site and surroundings, subject to detail via condition.

8.3 It is noted that a DOC application has not been submitted to agree the external finish materials for the new property and at the time of the Case Officer's site visit the block walls were erected and the trusses in place. The Agent has been made aware of the need to address this and this is therefore why the materials condition would still be applied to this development.

8.3 In conclusion; the increased size and appearance of the proposed property would respect the character and quality of the locality in accordance with policies 33, 40 and 47 of the current local plan.

- ii. Impact neighbouring amenities

8.4 The additional impact on Ramblers, the dwelling to the south of the site, would be limited given the depth of the rear garden and the resultant distance between the proposed extension and the neighbouring property (approximately 45m), combined with the open plan front garden and set back position of Ramblers from Coach Road.

8.5 To the east the properties are separated by the road and therefore the additional impact in this direction would be limited.

8.6 To the west the extension would be 4.5m from the boundary and 9m flank-to-flank and would not project beyond their rear elevation and therefore the additional impact in this direction, due to the; angle of the new property and distance from the boundary and size of the extension would be limited.

8.7 The design of the approved dwelling included rooflights on the east and west roof planes. One of the rooflights on the east roof plane would be re-located over the proposed extension, and this alteration would not have a significant impact upon the adjacent dwellings on the other side of Coach Road. The rooflights on the west elevation would be subject to conditions to limit overlooking to Wherstead as per the original permission for the dwelling (16/01103/FUL). The single additional window proposed would be to the ground floor east elevation facing the boundary with the public road and therefore would have no impact upon the amenity of the neighbouring properties.

iv. Other matters

Water Management

8.8 There is a stream running through the site. However, the site is not within an EA flood zone 2 or 3 and this is not a designated main river and the proposed development would be no closer to the stream than the approved dwelling. That said, surface water should be managed within the site and porous external surfaces proposed in line with the permitted scheme.

8.9 Foul water is proposed to be connected to the existing network as per the permitted scheme. It is not anticipated that the proposed development would have a significant impact upon capacity in the area given that the amount of accommodation within the dwelling would remain as approved.

Permitted Development

8.10 The committee's attention is drawn to the fact that; the original permission is not subject to a condition that removes Permitted Development rights for rear extensions and therefore, subject to meeting the relevant criteria, a rear extension, all be it one with a 3 metre height eaves and 4m high ridge at 3m deep may be Permitted Development under the current Town and Country Planning (General Permitted Development) Order 2015, as amended once the property is occupied. This fall-back position is a material consideration.

Significant Conditions

8.11 The conditions imposed as part of the permission for the main dwelling have been repeated where relevant to the extension.

Conclusion

8.12 Based on the above it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise and therefore the application is recommended for approval.

## Human Rights

8.13 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 informative:-

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: 00, 03 and 04

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.

### INFORMATIVES

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

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

For further information on this application please contact Maria Tomlinson

# Agenda Item 7

Parish: Westbourne	Ward: Westbourne
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## WE/16/03454/COU

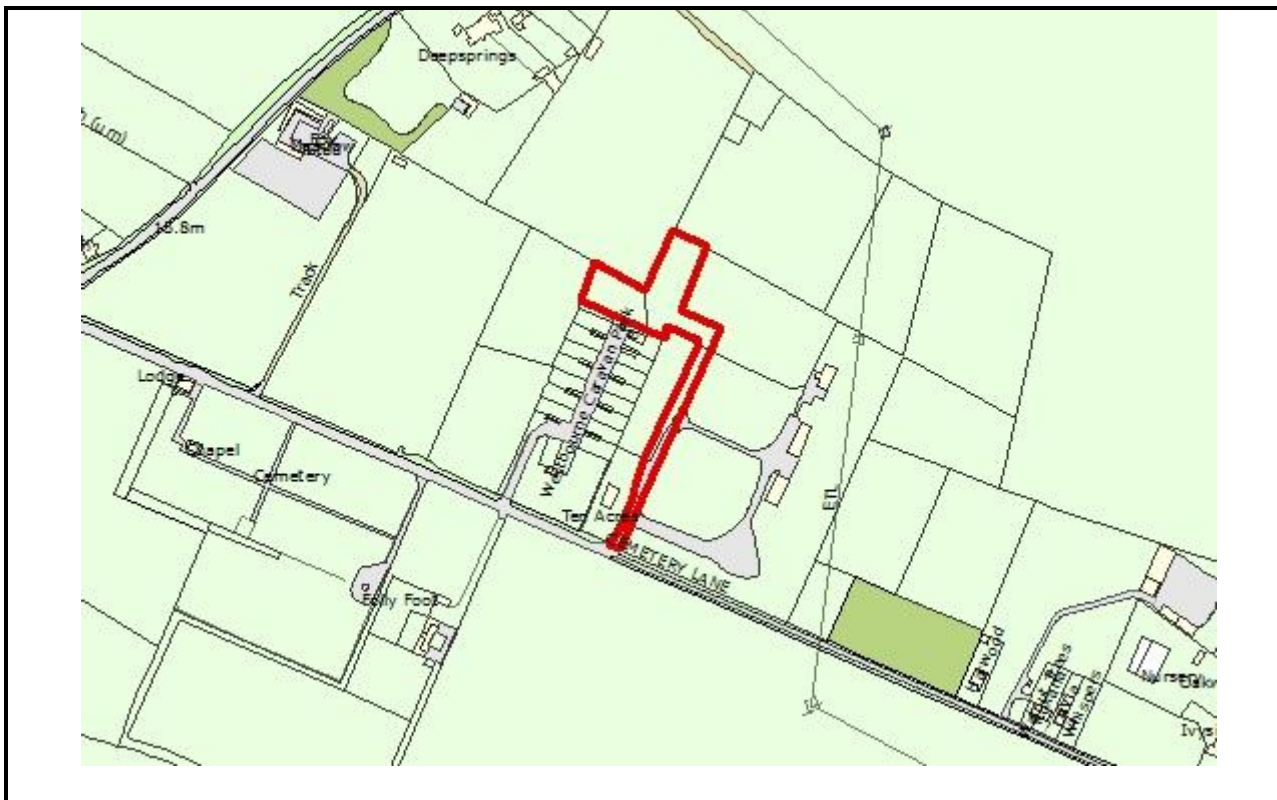
**Proposal** Change of use of land to a private gypsy and traveller caravan site consisting of 2 no. pitches each would comprise 1 no. mobile home, 1 no. touring caravan, 1 no. utility building and associated works.

**Site** Land Adjacent To Westbourne Gypsy Site Cemetery Lane Woodmancote Westbourne West Sussex

**Map Ref** (E) 476550 (N) 107555

**Applicant** Mr W Green

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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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 is located within the Parish of Westbourne, to the east of the village. To the south of the site is the WSCC Gypsy and Travellers site, with open countryside beyond. To the north and west is open agricultural land, on which are a number of trees that offer some screening of the site. To the east is the remaining part of the land known as the Old Army Camp.

2.2 Access is achieved via an existing track which leads into the site from Cemetery Lane, currently serving an existing travelling showpersons site and the rest of the brownfield site. It leads to an area part of which is laid to grass, but also elements of hardstanding. A post and rail fence defines the northern boundary.

## **3.0 The Proposal**

3.1 The proposal follows application WE/16/01078/COU which was refused planning permission on 3 August 2016 for the following reason;

*The proposed provision of a single gypsy pitch on a large site in the rural area would result in an inefficient use of the land which would lead to an unnecessary loss of open countryside to the detriment of the rural character and tranquillity of the area. Having regard to the shortfall of a 5 year supply of Gypsy and Traveller pitches in the District it is not considered that the need outweighs this identified harm. The proposal would therefore fail to comply with Policy 1 and 36 of the Chichester District Local Plan 2014-2029.*

3.2 The current application seeks to address the reason for refusal and change the use of the land for the stationing of two static mobile homes for residential purposes for 2 gypsy and traveller pitches.

3.3 The layout of the site would comprise the stationing of a static mobile home to the west of the site, with an amenity block and parking area. The second mobile home would be located to the south of the site, adjacent to the access road, this has been relocated from an area to the north of the site during the course of consideration of the application. To the north the land would be laid out as a paddock, including some existing hardstanding.

3.4 The proposed day rooms would measure 3.1m x 6m, and include eaves of 2.4m and a tiled pitched roof with a ridge height of 3.4m, the exterior walls would be rendered. The proposed mobile homes would be two-bed and would retain their wheels and axles.

## **4.0 History**

15/03979/COU	REF	Change of use of land to a private gypsy and traveller caravan site consisting of one no. mobile home, one no. touring caravan and one no. utility building and associated works.
16/01078/COU	REF	Change of use of land to a private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. utility building, 1 no. touring caravan and associated works.

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

The Parish Council comments are provided in full at Appendix A. The following officer summary provides the main comments raised by the Parish Council in relation to this application;

- i) Insufficient existing infrastructure to cope with the demand of additional residential accommodation.
- ii) Change in character of the area
- iii) Social tension between settled and traveller community increased.
- iv) Speculative development for gain and not need.
- v) CDC have an oversupply of sites.
- vi) Development outside the settlement boundary
- vii) The applicant has not met the requirements of the Recreational Disturbance Agreement.
- viii) Note the environmental constraints of the site and the bat corridor
- ix) Concern in relation to over dominance.

### **Additional comments received**

Copy of address to the Planning Committee had the application gone before it today;

Mr Chairman members of the Committee; Most of you know me by now and understand I am here representing the views of the Community of Westbourne, I am a Parish Councillor but today I am here as a member of the Woodmancote residents Association, those views reflect the wider Westbourne community as well. There are a number of points I wish to raise today;

1. This is a greenfield site or it was, there will be ecological and biodiversity consequences-it is recognised as a bat corridor by CDC and adjoins open fields. It is not considered a sustainable location.

2. Woodmancote is the nearest settled community to this application, it comprises around 100 houses and the main access on foot from Woodmancote to Westbourne is along the footpath on Cemetery lane. As a result of recent Planning applications on Cemetery Lane there is now a large section which fronts onto Gypsy Traveller sites, there will be potentially 34 pitches there without these 2. This application will add a further 2 pitches to the numbers already there or in the process of being developed, this doesn't include the other 13 pitches in the parish. At a recent meeting, I was bombarded with complaints about the proliferation of pitches in the area, which was causing worry and distress, quite a few will no longer walk into the village due to added traffic and fear of passing the sites. It's a sad day when a

community which has been there for such a long time feel such worries, many will not even write to object either because they say their concerns are ignored or because they feel they will be threatened or intimidated if they do, they have empowered me to pass on those concerns. These feelings/concerns are one reason why you can and should refuse permission.

3. Please note one of the Equestrian Yards has written to the Parish Council so upset with the approved/unapproved development down Cemetery Lane that they have asked us to support a planning application in Hampshire for them as they are moving away from this area. We are a small rural village and will feel this loss. Evidence of the effect

4. The local infrastructure is at breaking point, the local Primary School is full, it was oversubscribed in 2016/17, we have 16 new houses coming on line, no doubt many will be families with children of that age, who will struggle to get places for them. I don't know what enquiries the LPA has made regarding this issue but I can assure you the school is full, even if the applicant doesn't have children future occupants may. Health services are again at breaking point its difficult now to get an appointment at the local Doctor surgery many have even had to register at Southbourne Surgery. Again, very valid reasons for you to refuse the application.

5. The Chichester Local Plan recognised the need for an additional 59 pitches when adopted, much is made by the officer that we have a 7.3-year supply, so we have our 5-year supply according to those figures. That same report identifies where a further 20+ pitches could be put so we can show Chichester is well within target and timescale. Put that to one side for a minute- That report was commissioned partly by Chichester; 'The Coastal West Sussex Authorities GTTS Accommodation Assessment 2013'. An update was published in 2014 by the same Consultants to say they had adjusted the figures to reflect the correct needs which reduced the need from 59 down to 52. I might be wrong but surely the Plan is a living document and takes account of additional Planning Policy Guidance issued by Govt. Surely then it should also take cognisance of a report commissioned by this authority and its updates. If the updated figure is used, then CDC have met their supply for over 10 years. There is no immediate need anyway as we can show on the old figures we have 7.3yr supply but on the new figures over the 10yrs has been achieved. Again, a good reason for refusal.

6. Our Non-Designated Heritage asset, The Cemetery, Dr Whiteman your historic buildings advisor states in his report that the setting contributes dramatically to that status, this is being seriously eroded. On these grounds, you can refuse permission.

7. A number of approvals have been through the Planning Inspectorate where the Inspector states just another one won't affect traffic, setting or area, well where does just another one become, another one to many. I would suggest that figure has been reached in-fact breached. One of the vacant pitches could easily be used by the applicant.

8. Cemetery Lane is a Private Lane, should the owners not have been contacted for permission before any of these applications reach you? Do the LPA not have a responsibility to ensure that? You have it in your power to say no more You may consider it appropriate to conduct a site visit and defer your decision, if you do please take into account not all the pitches have started yet, there is one immediately after the Cemetery before the established council site and there are 5 beyond the Old Army Camp which have just been started. The 4 Trav Showman Plots approved are only big enough for 2 Gypsy/Traveller pitches, The Trav Showman's guild did not know about it and have objected, we guess these will be utilized by G/T families. If you do not intend a site visit I would ask you to refuse this application on the

legitimate grounds I have highlighted, there will I'm sure be an appeal, at least give us, the Westbourne Community, the opportunity to state our case to the Planning Inspectorate. Westbourne have been supportive of other applications but we need time for things to settle down and come to terms with a such a large increase. You have good grounds for refusal so it is unlikely costs can or would be awarded. Westbourne have the majority of Gypsy/Traveller Pitches in Chichester, we ask you to say

## 6.2 CDC Environmental Health Officer

Comments for this application are the same as for previous applications. Given that there will be building works associated with the amenity building and drainage connections, condition N21G should be applied as parts of the site were previously in use as a military site.

All waste arisings must be disposed of in accordance with current Waste Regulations. During construction, measures to reduce dust and other emissions should be taken to minimise the impact on neighbouring caravans. If there is a requirement for oil storage, L09F should be applied.

Please note: these comments are made only with respect to contaminated land and air quality issues.

## 6.3 CDC Environmental Strategy Officer

...should permission be granted, I would like to see the existing hedgerows on the boundaries of the site, protected during development and I support the provision of further planting for screening and enhancements for biodiversity. The trees planted should be native. The existing and new hedge/treelines should not be lit as they may be used by commuting bats.

The site also sits within the Zone of Influence for Chichester Harbour and therefore a contribution to the Solent Recreation Migration Scheme will be required based on the occupancy and usage of the proposed plots.

## 6.4 2 Third Party Objections

- i) Encroachment into countryside
- ii) Impact on protected species
- iii) Light pollution
- iv) Accessibility
- v) Over dominance of gypsy and traveller population

## 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. The Westbourne Neighbourhood Plan is now at the Submission Stage, having been formally submitted to the Council. Statutory consultation will be undertaken by the Council, leading to an examination of the plan in due course.



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 36: Planning for Gypsies, Travellers and Travelling Showpeople
- Policy 39: Transport, Accessibility and Parking
- Policy 45: Development in the Countryside
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

7.3 Westbourne Neighbourhood Plan:

The Submission Plan is a material consideration. Its weight will increase as it progresses through the plan making process, including following the expiry of the Local Authority Consultation Period. The plan has carries some weight at this stage but it does not yet have the weight of a made plan.

Draft policies relevant to the application include;

- OA1 – Sustainable Development
- OA4 – Community Balance
- LD1 – Local Distinctiveness
- LD3 – Heritage
- LD4 – Local Gaps
- BD2 – Natural Environment Policy

#### 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 paragraphs 4 and 17 (Core Planning Principles).

7.6 In addition to the overarching policies in the NPPF, it is also relevant to have regard to the supporting document, Planning Policy for Travellers Sites August 2015 (PPTS).

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of development and identified need
- ii) Impact on the character of the area
- iii) Impact on neighbouring amenity
- iv) Sustainable development
- v) Drainage
- vi) Impact on highway safety
- vii) Nature conservation

### **Assessment**

- i) Principle of development and identified need

8.2 Policy H of the Government guidance document 'Planning Policy for Traveller Sites' (PPTS) relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan and the NPPF unless material considerations indicate otherwise. Policy 36 of the Chichester Local Plan (CDLP) deals specifically with the provision of gypsy and traveller sites and sets out criteria which applications should meet.

8.3 The previous application was refused permission on the sole ground that it made inefficient use of the land which would have led to an unnecessary loss of open countryside. As a consequence, this application has been submitted seeking permission for two pitches, to meet the needs of the applicant and his family and to address the reason for refusal. There would still be an area of paddock land to the north part of the site, which would be appropriate and proportionate given the applicants way of life.

8.4 The applicant is accepted to be a gypsy and traveller under the definition in the PPTS. The family is well known in the local area, with strong local connections. Supporting evidence has been provided to demonstrate the need for two settled pitches in this location. The applicant's children reside in the WSCC site to the south with his ex-wife, with some children frequently residing at his premises. He requires accommodation in close proximity to the adjacent WSCC site, to ensure the children maintain close contact with one another and for settled access to education. It is considered that the submitted information from the applicant demonstrates an authentic need; however it would be necessary to apply a condition to restrict the occupation of the site to gypsies and travellers to any permission, to ensure that the terms accord with the justification for provision of the pitches.

8.5 The Council does now have a 7.9 year supply of gypsy and traveller pitches. As with any proposed development, this must be weighed against the policy context and any potential harm that may arise as a result of the use of the land. Notwithstanding the Council's current supply of gypsy and traveller pitches, the Local Planning Authority is no longer progressing a Site Allocation Development Plan Document (DPD) at this stage, leaving a need for 4 further pitches to fulfil the identified need for the current plan period. In addition the Westbourne Neighbourhood Plan is now at the formal submission stage and has some weight in the assessment of the current application. Policy OA4(2) adopts a restrictive approach to additional Gypsy and Traveller pitches within the Neighbourhood Plan Area, although it must be recognised that the policies in the plan have yet to be examined against the Basic Conditions. Neither the Council's current supply of Gypsy and Traveller Pitches,

nor the submission of the Neighbourhood Plan are decisive factors in the determination of the current application, but they must be weighed in the balance, in reaching a decision.

8.6 In refusing the previous application, the Council did not raise issue with the sustainability of the site or concerns regarding landscape impact, but solely that the proposal for 1 gypsy and traveller pitch did not make efficient use of what was a relatively large site. In the absence at this stage of a DPD to identify how the remaining gypsy and traveller needs up to the end of the plan period will be met, taking in to account the limited weight of the Submission Neighbourhood Plan, and having regard to the circumstances of the occupiers, the principle of the use of the site as two gypsy and traveller pitches is considered acceptable, subject to the assessment of other relevant material considerations

ii) Impact on the character and appearance of the area

8.7 Criteria 4 of Policy 36 of the Local Plan reflects Policy C of the PPTS and requires that development does not compromise nationally important features. Policy H of the PPTS advises that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan, however where sites are within the rural area, LPA's should ensure that sites respect the scale of and do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure.

8.8 The site is located in an area with existing gypsy and traveller pitches (17 in number) to the south of the site, with a further 5 pitches permitted on appeal to the east of the land known as the 'Old Army Camp' (WE/14/01217/FUL). Beyond this, there are settled residential properties. To the east of the application site there is an extant permission for 4 travelling showpeoples plots (and a current application for that site to revise the site layout and add 2 gypsy pitches) and to the west of the WSCC site, a single pitch was allowed on appeal in February 2017. The appeal Inspector for the single pitch permitted in February 2017 noted the number of gypsy and traveller pitches in Westbourne, accepting that incremental changes can have a cumulative impact, but concluded that a single pitch would not have an appreciable impact and so found no conflict with Policy 36, nor the PPTS. Having regard to this recent conclusion by an appeal Inspector on a nearby site it is considered that the provision of an additional two gypsy pitches would not result in over dominance of the settled community. This issue was also not raised in the Council's refusal of the previous application on this site for 1 gypsy and traveller pitch.

8.9 The site is located outside any specific landscape designations. During the course of consideration of the application, officers have negotiated a relocation of the second mobile home to the south of the site, due to concerns about the pattern of development and encroachment of residential development into the rural area to the north, increasing the potential for wider landscape impacts. The site is well screened from public vantage points by existing vegetation and boundary screening and given the low level development proposed it is not considered the site would have an adverse impact on the character of the area or wider landscape setting. A similar conclusion was reached by the Inspector in allowing the appeal on the land to the west of the WSCC site in February 2017 who commented that the existing gypsy, traveller and showmen's sites in Cemetery Lane are not prominent. They are seen at close range, from the lane itself, but longer views are generally quite well screened, by tree belts, hedges and other intervening features.

8.10 Concern has been raised by Westbourne Parish Council and third parties about the impact on the non-designated Heritage Asset, Westbourne Cemetery and the impact on its setting and tranquillity. As part of the February 2017 appeal decision, the Inspector considered that a single pitch, with the level of landscaping and separation, would not cause harm to the setting of the cemetery. The current application site is a greater distance from the heritage asset and further separated by the intervening gypsy and traveller pitches and a travelling showperson's plot. Due to the degree of separation, it is not considered that the current proposal would give rise to an undue or adverse impact on the setting of the Westbourne Cemetery to the extent that could be substantiated in any future appeal.

8.11 Overall, it is considered that the proposal, by reason of its small scale nature, location close to existing traveller pitches and the ability to reinforce the natural boundary screening would not cause any due harm to the character and appearance of the area.

iii) Impact on the amenities of surrounding properties

8.12 Policy 36 of the Local Plan requires that development provides for a reasonable level of visual and acoustic privacy for nearby occupiers. The closest neighbouring site is the gypsy and traveller site to the south. It is considered that due to the distance, orientation, low level nature of the proposal and boundary screening, that there would not be an unacceptable impact on the amenities of neighbouring properties, in particular to their outlook, privacy, available light or noise generated by the development, which would be residential in nature.

iv) Sustainable Development

8.13 The previous use of the site was a former army camp and is classed as previously developed land. It is situated outside any defined Settlement Policy Boundary, but would form part of a cluster of development, with the WSCC gypsy and traveller site situated to the south of the site. The site is approx. 530m from the village of Westbourne and there would be reasonable access to the facilities and services located there. There is no objection from WSCC Highways Authority regarding the access to the site.

8.14 It is considered that future occupiers would have reasonable access to the facilities and services located there and bus services to other town such as Emsworth and Chichester, as was found by the appeal Inspector in the case of the Land West of Harwood nearby. The site is therefore considered to be sustainable as defined within paragraph 7 of the NPPF and within the PPTS.

v) Drainage

8.15 Policy 36 of the Local Plan (criteria 5) refers to flooding and contaminated land issues. The site is not located on land identified as being in a flood zone by the Environment Agency. The site would retain existing hardstanding and grassed areas. Given the location of the site, the buildings and hardstanding, it is considered that the likelihood of flooding or ground contamination is low and therefore it would be appropriate to require surface water drainage details and the prevention of ground water contamination by imposition of a condition.

vi) Impact on highway safety

8.16 The site would utilise an existing access off Cemetery Lane. WSCC as the Local Highway Authority have advised they have no objection to the access for two pitches. There would be adequate provision for parking and turning space adjacent to the mobile homes, within the existing hardstanding.

vii) Nature Conservation

8.17 The site lies within the 5.6km buffer of Chichester Harbour, a designated Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Ramsar site, and a Site of Special Scientific Interest (SSSI). The LPA has a duty to protect this area under the Habitat Regulations and through the NPPF and policy 50 of the adopted Local Plan. Residential development within this buffer could have a significant effect on the features for which the site is internationally and nationally designated. As set out and explained in the Interim Statement on Development and Disturbance of Birds in Special Protection Areas (SPA) and identified Compensatory Habitats, each proposed site for residential occupation attracts a charge of £176 to off-set recreational disturbance and fund mitigation within the harbour. This applies to all sites for residential occupancy including gypsy and traveller sites and affordable housing. The applicant has agreed to make this contribution to offset the impact on the SPA.

8.18 The Environmental Strategy Officer has advised they would have no objection to the application. In order to minimise impacts on foraging bats in the locality, external lighting should be controlled, alongside the protection of existing hedgerows. Any new planting would need to be native. These matters can be addressed by conditions.

### Significant Conditions

8.19 The application is considered acceptable, subject to a number of conditions, including restricting the use of the site to gypsies and travellers only, together with conditions relating to the number and siting of the touring caravans. Additionally it is proposed to require further details relating to the proposed surface water drainage arrangements.

### Conclusion

8.20 It is recognised that the Council has a sizeable 5 year supply (7.9 years) and should therefore adopt a thorough and robust approach to the assessment of applications for Gypsy and Traveller development. The Council has not yet however reached its requirement for the plan period and cannot at this time identify any alternative sites to meet the outstanding need. It is acknowledged that the Westbourne Submission Neighbourhood Plan is being progressed and contains relevant draft policies but these cannot, at this stage, be regarded as having overriding weight.

Overall it is considered that the reason for refusal of the previous application has now been addressed; it is also concluded that having regard to the needs of the applicant, the relatively sustainable location given gypsy and traveller lifestyles and that the development would not over dominate the nearest settled community, that the proposal would comply with guidance in the NPPF and PPTS and the policy requirements of the Local Plan. The application is therefore recommended for approval.

## Human Rights

8.21 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.

## Equalities

8.22 In reaching this conclusion officers have given particular weight to the Equality Act 2010 which states in section 29 that 'a person must not, in the exercise of a public function [which includes the determination of planning applications] do anything that constitutes discrimination, harassment or victimisation'. Officers have sought guidance as to the extent to which this section requires 'positive discrimination' or indeed requires weight to be given to the disabilities of an applicant above and beyond weight normally accorded to 'personal circumstances', but have not been able to identify any government advice or case law which is relevant.

"In addition to the provisions of section 29 of the Act, s149 of the Act provides the following: Public sector equality duty:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These duties are triggered by the exercise of functions which include the determination of planning applications that have equality implications. This section must be treated as engaged in this particular case and therefore 'due regard' must be given to the applicant's particular needs. It is not sufficient to have equality in mind at a general or policy level.

However, the duties do not require a particular outcome. What the decision making body chooses to do once it has had the required regard is for it to decide subject to the ordinary constraints of public and discrimination law.

In conclusion, the actual needs of the applicant need to be weighed against the harm that this development would cause to neighbours, along with all of the material planning considerations. The decision must be proportionate in the light of all the circumstances of this case".

## **RECOMMENDATION**

**DEFER FOR SECTION 106 THEN 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: 01368 1 REV 4, 01368 3 REV 5, 01368 4 REV 5

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

3) The site shall be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites, dated August 2015.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

4) Notwithstanding the details as shown on the submitted plans, prior to any further works commencing on site and the second mobile home being brought onto the land, a scaled block plan detailing the location of the mobile homes and any associated landscaping shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the terms of the permission and in the interests of visual amenity of the rural area.

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

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

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

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

7) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to

and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

8) **No additional 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.

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

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

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no external lighting or additional hardstanding shall be provided for anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.



Reason: To enable the Local Planning Authority to retain control over such development in the interests of surface water drainage and the safeguarding of protected species.

11) No more than 4 caravans, as defined in the Caravans Sites and Control of Development Act 1960, and the Caravan Sites Act 1968 (of which no more than 2no. shall be a static caravan) shall be stationed on the site at any time.

Reason: To enable the Local Planning Authority to maintain control in the interests of amenities and prevent over development.

12) The day room hereby permitted shall not be occupied as a permanent means of habitable accommodation at any time.

Reason: To comply with the terms of the application and to protect the amenities and character of the area.

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

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

14) No commercial activities shall take place on the land, including storage of materials.

Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location.

15) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on any of the Open Space or Amenity Areas shown on the approved plans.

Reason: To secure the long term retention of the open/amenity areas.

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) Please contact the licensing team on 01243 534744 (email [licensing@chichester.gov.uk](mailto:licensing@chichester.gov.uk)) to discuss whether a caravan site licence is required under the Caravan Site and Control of Development Act 1960.
- 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.

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](mailto: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 Caitlin Boddy

Parish: Selsey	Ward: Selsey North
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**SY/17/00447/FUL**

**Proposal** Change of use of existing agricultural workers accommodation to 10 no. residential dwellings and associated works.

**Site** Home Farm Chichester Road Selsey Chichester West Sussex PO20 9DX

**Map Ref** (E) 486046 (N) 95581

**Applicant** Mr David Langmead

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



	<b>NOT TO SCALE</b>	<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 is located on the eastern side of Chichester Road (B2145) between the settlements of Sidlesham and Selsey, approximately 1 km north of Selsey. The site contains a tractor depot, a small group of single and two storey and flint barns, located towards the main entrance on the western edge of the wider site that was previously in use as an agricultural worker's hostel. There are static caravans located towards the rear (east) of the site behind the tractor store that are occupied by temporary agricultural workers.

2.2 The site is occupied by a group of single storey and two storey barns that have been converted previously to a 36 bed agricultural workers' hostel and site welfare (referred to as Blocks A, B and C on the proposed site plan). The barns are a mix of brick and flint buildings with slate and clay tiled roofs positioned around a courtyard used for parking. The barns were configured as bed-sit type arrangements with central cooking and laundry rooms, but have been empty for a number of years. The land to the east is used partly for parking and the remainder of the site is used for the stationing of caravans for agricultural workers.

2.3 The site occupies a relatively isolated position outside the settlement boundary in the Countryside, with some sporadic residential development either side of the Chichester Road. There is a detached residential dwelling that adjoins the north, The Studio, beyond which is a further dwelling, Home Farm. The surrounding landscape is predominantly flat and open, interspersed with field boundaries and trees.

## **3.0 The Proposal**

3.1 The application seeks permission for a change of use of three redundant barns, formerly in use as a hostel for agricultural workers at Home Farm, to 10no. open market residential units, with the provision of 4 additional parking spaces and conversion of an outbuilding to cycle/refuse storage.

## **4.0 History**

97/01293/FUL	PER	Alteration and extension of existing buildings. Change of use - B1 to agricultural workers' hostel.
06/01409/ELD	REF	Storage of timber and allied materials.
14/01758/FUL	PER	Change of use from agricultural workers' hostel to 9 no. residential units.
15/00320/FUL	DISMISS	Variation of condition 3 of permission SY/14/01758/FUL. Change need to retain these buildings in agricultural occupancy.
15/00897/FUL	PER	10 million gallon farm irrigation reservoir

17/00452/FUL

PCO

Modular building housing a site welfare facility (comprising games room, kitchenette/store, laundry, toilets, office, kiosk and breakout room), together with external bin store, shelter and associated works.

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### **6.1 Selsey Town Council**

#### **Object**

Outside Settlement Boundary and contrary to policy 003 of the draft Selsey Neighbourhood Plan 2017, that a change of use to residential would be in contravention of policy 004 of the draft Selsey Neighbourhood Plan 2017, which allocated land at Home Farm as temporary accommodation for agricultural workers and that the proposed open market residential properties would share the same means of access to the site as a working yard/tractor dealership, raising significant safety concerns.

#### **Further comments:**

At the Selsey Town Council Planning Committee held on the 5th April 2017 the Objection to Planning Application "17/00447/FUL : Change of use of existing agricultural workers accommodation to 10 no. residential dwellings and associated works." lodged by the Council on the 23rd March 2017 was given further consideration by the said Committee. It was acknowledged, as per your advice below, that the application did indeed fall outside of the allocated land under Emerging Selsey Neighbourhood Plan, Policy 004 Temporary Agricultural Workers. However it was noted that the application land was still outside the Settlement Boundary and thus still in conflict with Policy 003 of the Emerging Neighbourhood Plan. It was further noted that an applicant should to be able, in the case of applications outside the Settlement Boundary, to demonstrate that a need exists that cannot be met within the Settlement Boundary. As the application site is less than a mile from two sites with granted permission to deliver 249 houses including low-cost housing within the Settlement Boundary the Committee felt that this need had not been demonstrated. Indeed it was felt that the presence of a large number of static caravans on the site housing agricultural workers strongly demonstrates a need for accommodation tied to agricultural usage. Despite the lack of WSCC Highways objection to the access/egress arrangements regarding highway

safety, the Committee still had concerns over the safety of the access from application site directly onto an area of agricultural/industrial usage, this being the shared access to the main carriageway. In light of these considerations, Selsey Town Council Planning Committee wishes to maintain their objection to this application.

6.2 Environment Agency

None received.

6.3 Natural England

No objection, subject to appropriate mitigation being secured.

Subject to appropriate financial contributions made to strategic mitigation to address recreational disturbance, the proposal is unlikely to have a significant effect on the Pagham Harbour SPA/Ramsar, and can therefore be screened out from any requirement for further assessment. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

6.4 WSCC - Local Development Division (Highways)

No objection.

Application is comparable to 2014 application 14/01758/FUL to which WSCC Highways raised no objection. One additional residential unit is achieved through internal reconfiguration of existing space. Small addition is considered acceptable from the LHA's perspective.

No alterations to the access onto the B2145 (40mph speed limit) are proposed. No known issues with the use of the access. No intensification of use is anticipated. In light of scale of development permitted and proposed, traffic generation would not vary significantly between the two. Statement covers in detail access by non-car modes. Bus services are available to Bognor, Selsey and Chichester from B2145. Parking is acceptable.

Given the previous planning consent from 2014, the LHA does not consider that change of use would have a severe impact on the operation of the highway network.

6.5 CDC - Environmental Strategy

No objection.

The applicant has agreed in pre-application discussions a contribution to the Pagham SPA of £11,000; this would be adequate to ensure there is no likely significant effect on the SPA. A revised scheme is to be presented to Cabinet in May 2017. If agree, a revised (reduced) amount would apply.

Bats - Works to the buildings roofspace should be undertaken by hand in the presence of a qualified ecologist. If a bat is found, all works must stop and Natural England consulted. Lighting scheme will need to minimise potential spillage and consider the presence of bats. Nesting Birds - Works to trees/vegetation shall take place outside of the bird breeding season 1 March - 1 October.

## 6.6 2 Third Party Objections

- Overdevelopment of site;
- No recreational space for residents;
- Isolated site;
- Communal refuse store harmful to air pollution;
- Solar panels will reflect sunlight;
- No reference made to The Studio on the northern site boundary on the plans;
- Window in Block C security and privacy issue;
- Shortage of parking;
- Contrary to policy 004 of Emerging Selsey Neighbourhood Plan;
- Applicant has effective management control over anti-social behaviour from temporary agricultural workers;
- Addition of residential occupants hard to manage.

## 6.7 Applicant/Agent's Supporting Information

The applicant has submitted the following information in support of the application: Design and Access Statement, Flood Risk Assessment and Ecological Walkover Survey.

## **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. The Selsey Neighbourhood Plan (Pre-Submission version) revises the previous draft Neighbourhood Plan and has started the first round of public consultation.

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 37: Accommodation for Agricultural and Other Rural Workers

Policy 39: Transport, Accessibility and parking

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use, Re-use of Existing Buildings in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

### 7.3 The Selsey Neighbourhood Plan (Pre-Submission Version):

Policy 003: Settlement Boundary

Policy 004: Temporary Agricultural Workers

#### 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), 14, 32, 55, 58, 111, 117-119.

#### Other Local Policy and Guidance

7.6 The following Supplementary Planning Guidance is material to the determination of this planning application:

Planning Obligations and Affordable Housing Supplementary Planning Document

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

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

### **8.0 Planning Comments**

#### Assessment

8.1 The main issues arising from this proposal are:

- Planning History and Principle of Development;
- Impact on Highway Network and Parking;
- Design and Impact on Rural Character;
- Impact on Amenity;
- Impact on Biodiversity;
- Other Matters.



## Planning History and Principle of Development

8.2 Planning permission for the conversion and re-use of these redundant former agricultural barns as a hostel for agricultural workers was originally granted in 1997 (97/01293/FUL). Permission was subsequently granted on 1st December 2014 for a change of use of the hostel to 9no. residential units, subject to a planning condition restricting the occupancy to agricultural workers (14/01758/FUL).

8.3 An application to vary condition 3 of permission 14/01758/FUL to remove the occupancy restriction to allow unrestricted open market units for rent under the control of the applicant (15/00320/FUL) was refused permission on 2 April 2015 on two grounds:

1. that insufficient evidence had been provided by the applicant to demonstrate there was no longer a demand for agricultural workers dwellings in the area, resulting in an unjustified loss of agricultural workers accommodation, contrary to policies 1, 2, 33, 37, 45 and 46 of the Chichester Local Plan and paragraph 55 of the National Planning Policy Framework; and

2. failure to provide adequate mitigation to the Pagham Harbour Special Protection Area, designated as an internationally important wildlife site, contrary to policies 49 and 51 of the Chichester Local Plan: Key Policies Pre-Submission and paragraphs 17, 109 and 118 of the National Planning Policy Framework.

8.4 An appeal was subsequently lodged and a Hearing took place in November 2015 against the refusal to grant permission for the removal of condition 3 of permission 14/01758/FUL (ref. APP/L3815/W/15/3014889).

8.5 The Inspector concluded that the occupancy condition was neither reasonable nor necessary, and that removal of the condition would not be detrimental to the supply of agricultural workers dwellings in the surrounding area and local economy. The Inspector commented that the amount of bed spaces provided on site for temporary workers through additional caravans, was over and above the number of rooms lost through conversion of the redundant hostel to housing, and that marketing of the units (a requirement under LP policy 37 and Appendix 3 of the Local Plan) was an unnecessarily onerous requirement for the appellant. The Inspector added that the site was well related to an established group of buildings and on a main bus route, near Selsey and with buses to Chichester to Bognor Regis. Some alternative means of transport by non-car modes would therefore be possible. The site was therefore considered to be sustainable by the Inspector, with some, albeit limited facilities and services in the immediate area, and the proposed change of use to 9 residential units, would enable the re-use of a number of redundant and disused former agricultural buildings and enhancement of the setting. The Inspector was not persuaded that the loss of agricultural workers accommodation in the hostel would be detrimental to the function of the local economy or the appellant's business, and that there was no conflict with policies 1, 2, 37, 45 and 46 of the Chichester Local Plan: Key Policies 2014-2029.

8.6 The appeal was dismissed on a single ground: in the absence of mitigation measures to avoid potential adverse impacts on the Pagham Harbour SPA, the effect of removing the condition to allow unrestricted open market units, was considered to be harmful to the Pagham Special Protection Area, contrary to policy 51 of the Chichester Local Plan.

8.7 The current application seeks permission for the change of use from an agricultural workers hostel to 10no. residential units and is identical to the appeal scheme, apart from the addition of 1 extra unit of accommodation, achieved through some internal reconfiguration of Block C. It is also proposed to provide a small bin/cycle storage area located in an outbuilding formerly used as a laundry, an additional parking area for 4 cars, and to install solar PV panels on the roofslopes of Blocks A, B and C.

8.8 In considering the previous appeal the Inspector found no objection to the scheme in relation to loss of ag workers accommodation - a position which has weight in considering the acceptability of the proposal in principle. The comments of the Parish Council in relation to the emerging Selsey Neighbourhood Plan policies are noted. However, the Selsey NP is at the first round of public consultation (Pre-Submission version) and policies 003 and 004 therefore have very little weight. Moreover, the application site is specifically excluded from and is located outside the area of Home Farm identified as temporary agricultural worker's accommodation in policy 004 of the Selsey NP. The proposal is not in conflict therefore with the Emerging NP policy 004. In respect of the additional comments of Selsey Town Council in relation to policy 003, whilst the site is outside the SPA, the principle of change of use and conversion of these redundant farm building is acceptable, in accordance with policy 46 of the Local Plan and paragraph 55 of the NPPF. As stated, the issue regarding the need for agricultural farm worker's accommodation was debated at length at the time of the Hearing and the local highway authority raises no objection on highway safety grounds.

8.9 Having regard to the planning history of the site and the recent appeal decision, which is a significant material consideration (APP/L3815/W/15/301488) it is considered that the principle of converting the redundant agricultural worker's hostel to open market units is acceptable, in accordance with paragraph 55 of the NPPF.

#### Impact on Highway Network and Parking

8.10 Paragraph 32 of the NPPF advocates that, development is only refused on highway grounds when the residual cumulative impacts are severe.

8.11 The LHA has been consulted on this application and raises no objection on grounds of highway safety or parking, subject to a number of conditions, including the requirement for a construction management plan. No alterations are proposed to the existing site access onto the B2145 and the access has adequate visibility splays and no accident trends are associated with them. Twelve parking spaces are to be provided and the level of parking is considered to be acceptable by the LHA. The site does have some, albeit, limited access for proposed residents to services and amenities by non-car modes, as there are bus stops located within walking distance of the site on the B2145 and bus routes serving Selsey, Chichester and Bognor Regis, as well as a farm shop located within walking distance of the site. The trip rate is not anticipated to be significantly different between the permitted use as a hostel and no intensification of use is anticipated with the addition of one extra unit of accommodation achieved through internal reconfiguration of the building. The LHA therefore states that the proposal could not be resisted on traffic generation grounds, as traffic generation would not vary significantly between the appeal scheme, and 10 units proposed with the current application.

8.12 The comments of the Town Council are noted in relation to concerns about the highway safety implications of the access, but the LHA as a statutory consultee raised no objection on highway safety grounds to the previous application 14/01758/FUL (change of

use of the hostel to 9no. units) or to the current application for 10 units. There are no highway safety grounds to refuse planning permission therefore.

### Design and Impact on Rural Character

8.13 The site is not located in a designated area of high landscape value, but it is located outside a settlement boundary in the countryside. In such locations, new development should not adversely impact the tranquil and rural character of the area; respect and enhance landscape character of the area; and ensure that the integrity of predominantly open and undeveloped land between settlements is not diminished (LP policy 48).

8.14 The proposed alterations to the building are minimal, with the existing openings used wherever possible and some sympathetic modernisation of the fenestration and detailing to the main barn, which faces into the courtyard. A condition is recommended to remove permitted development rights in relation to any further windows/openings, in order to preserve the character and appearance of the brick and flint barns. The current application proposes solar PV array on four roofslopes to improve the energy efficiency rating of the buildings. The applicant confirms that the solar PV would be flush with the roofslope and anti-glare, and would be positioned to face into the site and would not be prominent or visible in longer distance views. Four no. conservation style rooflights are proposed on Blocks B and C. The rooflights would be visible from Chichester Road to the west, but these are small and discreet in size, and would not clutter the roofslope. The redundant former laundry, to be converted to a refuse/cycle storage, is an existing outbuilding on the northern boundary. The four additional parking spaces would be discreetly sited adjacent to the outbuilding and in surfacing materials to match existing courtyard. The proposed alterations would not therefore harm the character of the area in terms of inappropriate design, scale or massing.

### Impact on Amenity

8.15 The closest neighbouring residential properties are located at The Studio and Home Farm, immediately to the north of the application site. An objection has been received from the closest neighbouring property in relation to a window in Block C adjacent to the site boundary. Concerns are also raised regarding the lack of recreational space for residents, the proximity of a communal refuse store creating air pollution, lack of parking for residents, no reference made to The Studio on the submitted plans, glare from solar PV and contravention with policy 004 of the Emerging Selsey Neighbourhood Plan.

8.16 In regard to the occupancy restriction, as summarised in paragraph 8.5 above, this matter was discussed at length during the Hearing, and for the aforementioned reasons, the Inspector concluded that the occupancy restriction was not reasonable or necessary in this instance. The principle of permanent residential units through the conversion of this former agricultural workers hostel is established by the appeal decision. West Sussex County Highways has reviewed the existing and proposed parking (12 parking spaces would be provided in total in the courtyard area) and the level of parking is confirmed by the LHA as being acceptable. The outbuilding to be converted as cycle storage/refuse storage was previously used as a laundry. There would be no planning grounds to sustain a refusal of permission of the conversion of this outbuilding to a bin/cycle store in relation to air pollution. The solar PV, as confirmed by the applicant, is intended to have an anti-glare coating to prevent solar glare and would be subject to a condition to secure details, in order to mitigate glare. There is no specific requirement to provide outdoor private recreational space, given the small scale nature of the dwellings, however an element of communal private space is provided for.

8.17 In relation to the proximity of the window and the lack of reference to the neighbouring property on the submitted plans, the location of the neighbouring property was clearly observed at the time of the case officer's site visit. There is a window in Block C proposed close to the northern boundary with the adjacent property that would serve a kitchen. This is an existing window that previously served a bedroom in the hostel. It is not proposed to enlarge the window or to insert any further windows or openings in this elevation. The proposal would have no greater impact upon the amenities of the neighbouring property than when the building was in use as a hostel and is not considered to adversely impact neighbouring residential amenity. A condition is recommended to remove permitted development rights for windows and openings in the walls other than those shown on the approved plans.

#### Impact on Biodiversity

8.18 The application is supported by an updated Ecological Appraisal and bat survey. This has been assessed by the Council's Ecologist. A number of conditions are recommended in relation to precautionary measures to minimise the impact on bats, including a lighting scheme, and works to take place outside of the bird breeding season (1st March - 1st October).

#### Other Matters

8.19 Part of the site was located within Flood Zones 2 and 3, however the site is now identified as being located in Flood Zone 1, based on updated EA Flood Risk modelling. The FRA does not identify the site as being at risk of flooding from rivers, sea, overland flows or groundwater, and the buildings to be converted are located above the modelled flood level. No mitigation measures are therefore proposed.

8.20 In respect of affordable housing provision, a commuted sum for affordable housing is normally sought for developments of between 6-10 units in lieu of on-site provision in designated rural areas, in accordance with policy 34 of the Local Plan. The application site is not located within a designated rural area, and, on this basis, there is no requirement to provide a commuted sum for affordable housing as part of the proposed scheme. Nor is there any requirement to provide outdoor recreational space, as this proposal relates to a change of use of redundant buildings. The mix of market units (6 x 1 bed and 4 x 2 bed units) is acceptable.

#### Significant Conditions

8.21 Conditions are recommended in relation to the submission and approval of a construction management plan, details of materials and samples for windows and external openings to be submitted for approval, the removal of permitted development rights in relation to extensions, alterations and window or other openings in the walls other than those shown on the plans, the submission of a lighting scheme and measures to mitigate the impact on bats, and parking and refuse/cycle storage to be implemented before first occupation of the units.

## Infrastructure Requirements

8.22 The site is located within the Pagham Harbour SPA Zone of Influence, which comprises the area within which new development is likely to have a significant effect on the SPA. The NPPF gives considerable weight to the protection of these habitats and a financial contribution towards the strategy outlined in Phase III of the Solent Disturbance would mitigate this impact, in accordance with policy 51 of the Local Plan.

8.23 As noted above, application 15/00320/FUL was dismissed solely on the lack of a financial contribution to mitigate the impact on the Pagham Harbour SPA. The Inspector considered that whilst the number of residents occupying the buildings would be less than 37 to approximately 20, these would be permanent residents occupying the buildings all year round. The appellant accepted the need for a financial contribution towards the management of the SPA and a commuted sum of £11,530 is therefore sought with the application, to be secured through a Unilateral Undertaking. Natural England raises no objection to the proposal, subject to appropriate mitigation being secured to address recreational disturbance on Pagham Harbour SPA/Ramsar site.

## Conclusion

8.24 Based on the above assessment, it is considered that the principle of the change of use of the redundant hostel to open market units is acceptable, having regard to the significant weight afforded to the appeal decision. The development could be undertaken without material harm to highway safety, residential amenity or ecology, subject to appropriate planning conditions, and the detailed design and conversion of these former agricultural barns, is considered acceptable. No objection is raised by statutory consultees. The proposal complies with development plan policies and therefore the application is recommended for approval.

## Human Rights

8.25 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**

**DEFER FOR SECTION 106 THEN 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: 150104/01a, 150104/02, 100F, 101, 102A, 103D, 104E, 105F and 106E.

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

3) No development shall commence until details of the means of disposal for surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. In respect of surface water drainage, investigations into soakage must include winter groundwater monitoring and percolation testing. Soakaway design must have the base above the highest groundwater level, and store the 1 in 100 year storm event plus 30% on rainfall intensity without causing flooding. No dwelling shall be occupied until the surface water drainage, and the proposed on and off site means of foul sewage disposal, have been completed in accordance with the agreed details.

Reason: To ensure satisfactory surface and foul water drainage.

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

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

5) Prior to installation of the solar PV panels, details of the panels, including the surfacing treatment and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual amenity.

6) Prior to installation of the external windows and doors, details of the proposed frames, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual amenity.

7) Construction of the development hereby permitted shall not take place other than between the hours of: 07.30 - 18.00 hours Monday-Friday inclusive; 07.30-13.00 hours Saturdays; and not at all on Sundays or Bank Holidays.

Reason: In the interests of amenity.

8) The development hereby permitted shall not be brought into use unless and until the cycle and refuse storage shown on the submitted plan 100 F has been provided on site. Once provided, the cycle / refuse storage shall be retained for that purpose.

Reason: To ensure that adequate and satisfactory provision for refuse storage and to encourage non-sustainable transport modes.

9) The development hereby permitted shall not be brought into use unless and until the car parking provision shown on the submitted plans has been provided on site. Once provided, the parking shall be kept available for that use.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the adjacent highway.

10) No external lighting shall be installed either on the building or anywhere within the site other than in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to protect foraging bats in the area.

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

11) No works that affect the roof of Barns A, B and C, shall be carried out other than by hand with careful stripping of internal and external roofspace in the presence of an Ecologist. If a bat is found, all works must stop and Natural England consulted.

Reason: In the interests of protecting biodiversity and foraging bats in the area.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no windows or other openings other than those shown on the plans hereby approved shall be formed in the walls of the development without a grant of planning permission from the Local Planning Authority.

Reason: To protect the amenities of adjoining residential properties and in the interests of visual amenity.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance

of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

## INFORMATIVES

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

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](mailto: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 Katherine Rawlins.



Parish: Hunston	Ward: Sidlesham
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**HN/17/00314/FUL**

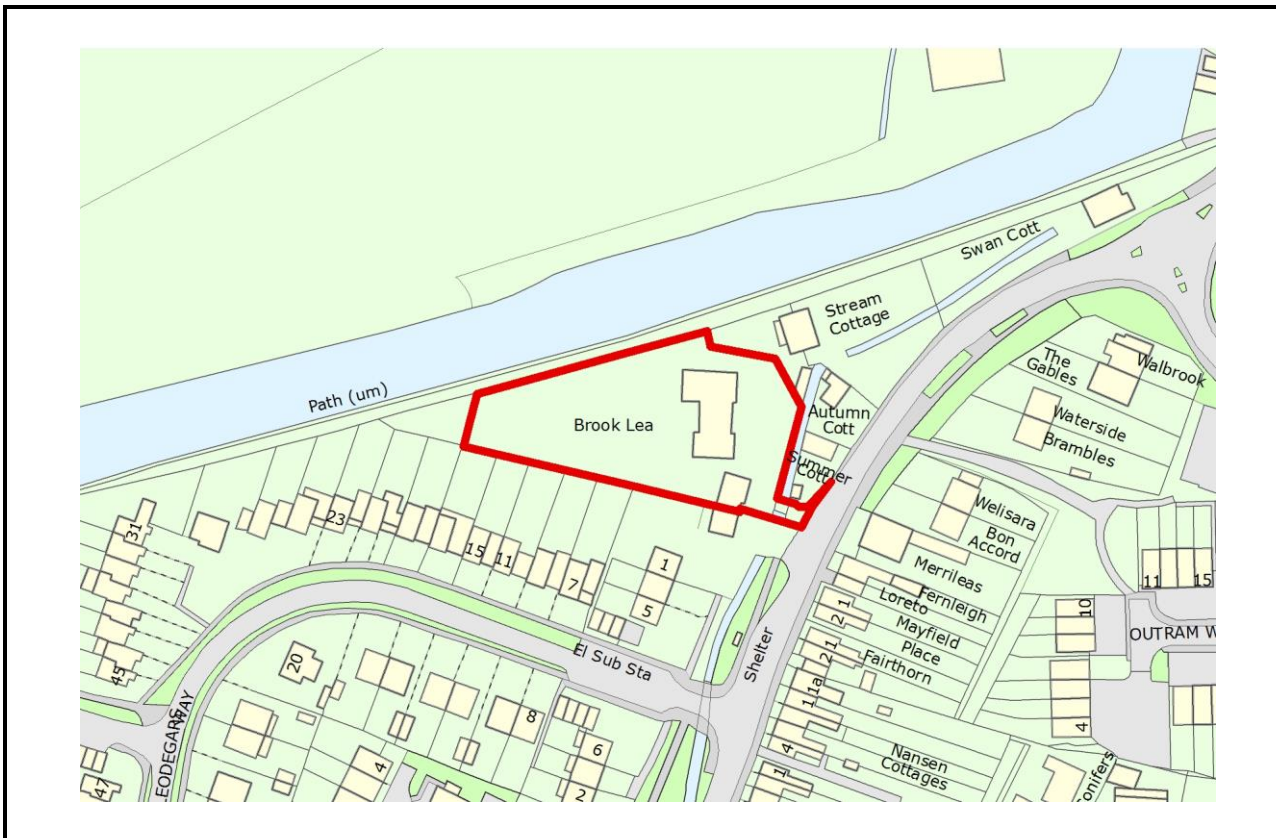
**Proposal** Construction of 5 no. dwellings and associated works (minor amendment to outline planning permission 16/00856/OUT and associated reserved matters 16/02672/REM).

**Site** Brook Lea Selsey Road Hunston PO20 1NR

**Map Ref** (E) 486348 (N) 102152

**Applicant** Domusea Ltd

**RECOMMENDATION TO PERMIT**



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

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site lies within the Settlement Boundary of Hunston, in a back land position between the Chichester Canal and Selsey Road. Apart from the canal to the northwest, dwellings surround the application site, comprising a mix of detached cottages to the east and terraced/linked dwellings to the south. The site is set lower than the canal to the northwest and is bounded by mature vegetation at the top of a grass bank to the north west. The boundaries otherwise comprise a mix of fencing and vegetation. Within the site the levels are relatively consistent.

2.2 The site was previously occupied by a single dwelling, however this has been demolished and works have commenced on the construction of 5 dwellings following a grant of outline planning permission and the approval of reserved matters in 2016.

## **3.0 The Proposal**

3.1 The application seeks permission for amendments to a permitted scheme for 5 dwellings on the site. The amendments include;

- Plot 1: omission of single storey flat roof projection to rear and addition of an alternative pitched roof single storey projection to the north elevation, deeper front porch, re-positioned rooflights on south elevation, boarding beneath windows on dormers on north elevation, removal of patio doors from north elevation and insertion into west side elevation, reduction to size of window on east elevation
- Plots 2 & 3: boarding to the cheeks of the permitted dormer windows, increase to depth of plot 3
- Plot 4: depth of building increased, enlarged ensuite window on west elevation but first floor level, insertion of bathroom window on east elevation at first floor level
- Plot 5: creation of a shallow pitched roof over a previously approved flat roof projection on west elevation, provision of rooflights to projection on south elevation, provision of WC window on south elevation,

3.2 The changes to the dimensions are shown in the table below:

	Height		Width		Depth	
	Approved	Proposed	Approved	Proposed	Approved	Proposed
Plot 1	6.85m	6.85m	11.75m	11.75m	9.25m	9.5m
Plot 2	8m	8.25m	9.75m	9.75m	10.25m	11m
Plot 3	8m	8.25m	9.75m	9.75m	9.75m	11m
Plot 4	8m	8.25m	9.75m	9.75m	9.75m	10.5m
Plot 5	8m	8.2m	10m	10m	11m	11m

#### **4.0 History**

16/00857/OUT	PER106	Redevelopment of the site for 5 no. dwellings and associated works.
16/02672/REM	PER	Appearance and landscaping.
16/03947/DOC	DOCDEC	Discharge of conditions 4, 5, 7 and 9 of HN/16/02672/REM.

#### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	YES (part of the site)
- Flood Zone 3	NO
Historic Parks and Gardens	NO

#### **6.0 Representations and Consultations**

##### **6.1 Parish Council**

Hunston Parish Council objects to this application on the following grounds:

It is noted that the Agent/Applicant has answered all parts of Question 13 on the application form as no. This is incorrect as the site runs along the southern edge of the Chichester Canal and the hedgerows along the canal have been a haven for wildlife for many years. This hedgerow has been all but stripped out and therefore there are no suitable places for the nesting birds and other wildlife that live along the edge of the canal.

It is noted that the Agent/Applicant has answered the second part of Question 13 on the application form as no. There are a number of mature trees along the northern boundary with the canal and the Parish Council would be keen to see these served with a TPO in order to help protect this important environmental barrier between the canal and the housing development.

It is noted that the Agent/Applicant has stated (Q 24) that the site cannot be seen from the public footpaths or roads. This is incorrect the site is clearly visible from the main road, particularly when travelling north to Chichester and from the canal towpath since the developer has stripped out significant amounts of the hedgerow.

Plot one is already partially constructed and appears to be closer to the southern boundary than is indicated in the plans. The Parish Council also objects to the additional first floor extension to the rear of the property which could very easily be turned into a balcony with access from the French style windows on the first floor.

The proposed dwellings being of red brick and red clay tiles would be out of keeping with the general style of properties that surround it.

The Parish Council feels that the development is cramped, the houses are too high and would be visually intrusive from the rural aspect of the canal path. The Parish Council requests that they style of materials used be more in keeping with the surroundings and that the ridge heights of the roofs be lowered in keeping with a chalet style bungalow.

### 6.2 Environment Agency

No objection. The development may require an Environmental Permit from the Environment Agency, this is separate to obtaining planning permission.

### 6.3 WSCC Highways

No objection.

### 6.4 CDC Contract Services

No objection. If the refuse freighter is not intended to enter the site it would be necessary to provide a collection point at the entrance to the site.

## **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 Hunston 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 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 49: Biodiversity

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

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

### 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 4, 6, 7, 10 and 11 generally.

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:

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:

- B1 - Managing a changing environment
- B2 - Greener living
- D1 - Increasing housing supply
- D2 - Vibrant, safe and clean neighbourhoods
- D3 - Housing fit for purpose

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

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

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact upon visual amenity
- iii) Impact upon the amenity of neighbouring properties
- v) Other matters

### Assessment

i) Principle of development

8.2 There is an extant permission for 5 dwellings on the site, which has been implemented. This application seeks amendments to the approved scheme. There has been no significant change in planning policy or circumstance since the extant permission was granted and it is therefore considered that the principle of the development remains acceptable in principle. The site lies within the settlement boundary where the principle of new residential development is supported by the Local Plan, subject to other material considerations.

ii) Impact upon visual amenity

8.3 The proposed amendments to the scheme, as set out in paragraphs 3.1 and 3.2 of this report, would not significantly alter the overall layout or design of the approved scheme. Whilst the plans indicate a small increase in height to dwellings on plots 2-5, the 200mm increase shown on the detailed plans (compared to the plans submitted with the permitted reserved matters application) would not result in a substantially taller building that would be harmful to the visual amenity of the development or of the locality.

8.4 The proposed development would comprise of a mix of chalet style bungalows and 2 storey dwellings constructed with a range of materials including a multi-stock brick, subtle red/brown roof tile, white render, oak detailing to the porches and car ports, weatherboarding and heritage style coloured windows. It is considered that the design, which incorporates a range of eaves heights, roof forms and detailing, combined with the mix of materials that reflect materials found in the surrounding area, would result in high quality development that would respect its context.

8.5 Whilst the current proposal includes alteration to the proposed materials finish and the inclusion of cladding to dormer windows and pitched roofs in place of flat roofs on the single storey elements of plots 1 and 5, these alterations would also not result in a significant increase in mass or bulk that would be harmful to the visual amenity or character of the area. Similarly the alterations to the footprints and the detailing of the dwellings would be such that the resultant development would not have a significantly different impact upon the character and visual amenity of the site and its surroundings

8.6 For the reasons set out above whilst the proposed development would be visible from the adjacent highway and the canal to the north west, due to the location of the dwellings, their design and their appearance the proposal would not detract from the visual amenity or

established character of the locality. The proposal would therefore be acceptable in this respect.

### iii) Impact upon the amenity of neighbouring properties

8.7 The proposed increases to the depth of some properties and the minor increase in height would not result in any significant increase in mass or bulk that would be detrimental to the neighbouring properties in terms of loss of light or being overbearing when compared to the permitted scheme.

8.8 The proposed relocation of the patio doors on plot 1 would result in a large patio door facing west, however it is considered that this amendment to the scheme would not result in an unacceptable level of overlooking having regard to the ground floor level position of the window, its orientation, and its distance from the neighbouring properties beyond the southern boundary of the site (approximately 10m from the proposed patio doors).

8.9 It is considered that the proposed alterations would not materially change the impact of the development upon the occupiers of the neighbouring properties when compared with the permitted scheme, and the alterations to the footprint and fenestration, which was previously considered to be acceptable. The proposed dwellings would remain sufficiently distanced from the neighbouring properties and of a size and bulk that would not result in overlooking or loss of light. The proposal would therefore be acceptable in terms of the impact upon the amenity of the neighbouring properties.

### iv) Other matters

Concerns have been raised that the application form is incorrect as it suggests that the site cannot be seen from the public highway. The purpose of the application form in this regard is to establish that whilst the application site is visible from the adjacent highway and canal, the site has to be entered to fully assess the merits of the proposal. The application form is therefore correctly completed.

8.10 Concerns have been raised by third parties regarding the introduction of dormer windows, however the current proposal does not include the introduction of any new dormer windows when compared to the permitted scheme.

8.11 The application is accompanied by a number of details including an ecological enhancement management plan which has in principle been approved under a previous application to discharge conditions. The plans in relation to the ecological assessment have not been updated to reflect the proposed changes to the footprint and form of the development, and therefore updated plans would be required, within one month of any permission. The amendments to the permitted scheme would not substantially change the scheme such that these details would no longer be appropriate. Subject to implementation in accordance with agreed ecological management and enhancement details, it is considered that the proposal would not be harmful to protected species, biodiversity or trees either within or adjacent to the site.

### Conclusion

8.12 Based on the above it is considered the proposal complies with development plan policies 1, 2, 4, 5, 33, 39, 40, 49, 50 and 51 of the Chichester Local Plan and therefore the application is recommended for approval.

## Human Rights

8.13 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: 0861/DPA400 Rev 01, A1-01 Rev C, A2-01 Rev V, A2-03 Rev. A, A2-05, A2-06 Rev. A, A2-07 Rev. A, A2-08 Rev. A, A2-09 Rev. A, A3-01 Rev. B, A3-02 Rev. B, A3-03 Rev. B, A3-04 Rev. B, A3-05 Rev. A, A3-06 Rev. A.

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

3) The development hereby permitted shall not be carried out other than in accordance with the submitted schedule of materials and finishes, unless any variation is first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

4) Within 1 month of this decision an updated scheme of landscaping to reflect the permitted footprints of the dwellings shall be submitted to the Local Planning Authority in writing. The scheme 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.

5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

6) Within one month of this decision, an updated Ecological Enhancement Plan shall be submitted to and approved in advance and in writing by the Local Planning Authority to reflect the permitted changes to the footprint and form of the dwellings hereby permitted.



Reason: In the interests of protecting biodiversity.

7) No part of the development hereby permitted shall be first occupied until the refuse and cycle storage shall be provided in accordance with drawing no. Therefore the refuse and cycle storage shall be retained in accordance with the approved details in perpetuity.

Reason: In the interests of amenity and to encourage sustainable modes of transport.

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

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

9) No part of the development hereby permitted shall be first occupied until visibility splays of 2.4 x 43 metres have been provided at the existing site vehicular access onto B2145, 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.

10) 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: In the interests of residential amenity.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

## 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 Fjola Stevens

# Agenda Item 10

Parish: Chichester	Ward: Chichester North
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## CC/17/00599/FUL

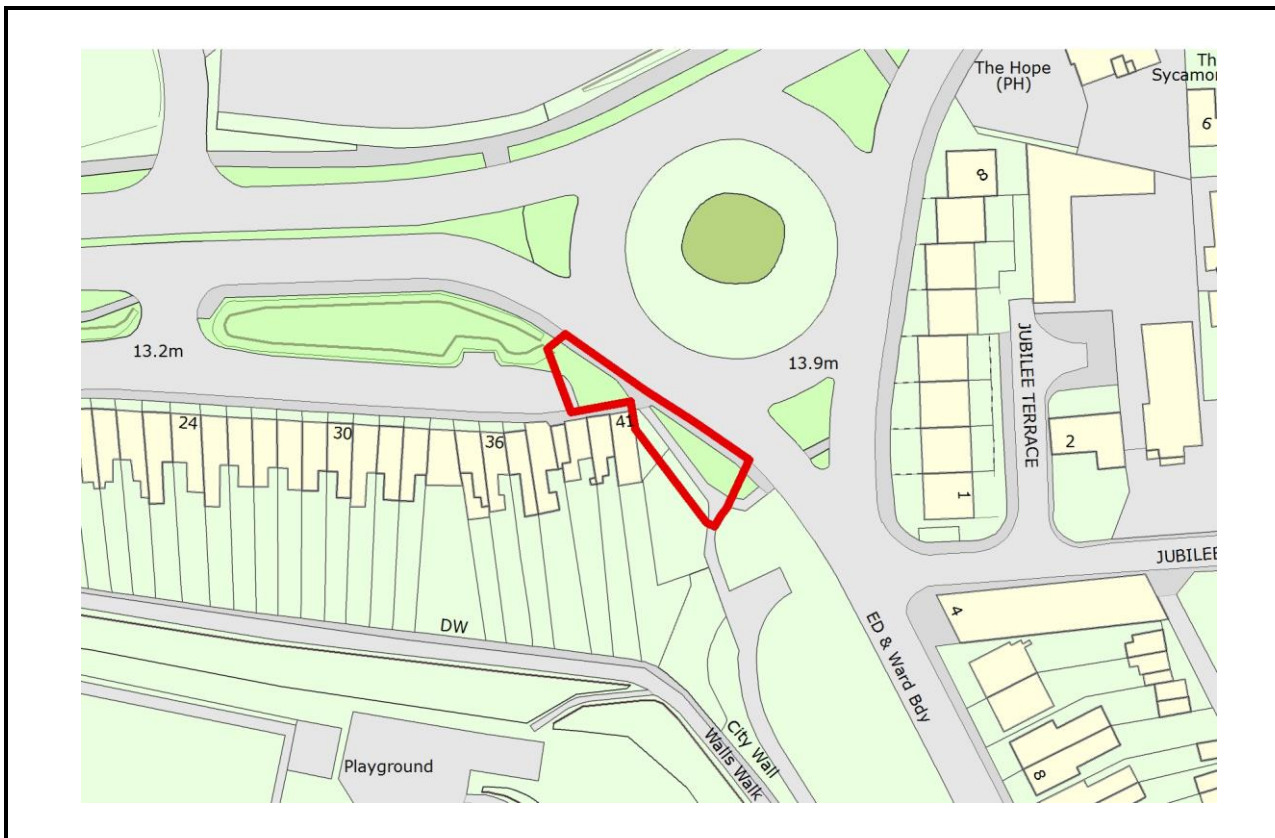
**Proposal** Amend, extend, widen and partially reroute the path at the northern end of Jubilee Gardens. The path will be extended to connect by the dropped kerb to Franklin Place and some planting will be created adjacent to the north-east corner of 41 Franklin Place.


**Site** Land To The North Of Jubilee Gardens Priory Road Chichester West Sussex

**Map Ref** (E) 486399 (N) 105131

**Applicant** Chichester District Council

### RECOMMENDATION TO PERMIT



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## **1.0 Reason for Committee Referral**

Applicant is Chichester District Council

## **2.0 The Site and Surroundings**

2.1 The application site comprises a pedestrian footpath located to the west of the A286 New Park Road. The site comprises an open tarmac footpath bounded by grass planting.

2.2 The application site falls to the south west of the roundabout of the junction of the A286/B2178 roads and comprises a key junction along the primary access routes into the City Centre.

2.3 To the south west of the application site is Franklin Place, comprising a terrace of grade II listed residential buildings and the grade II listed city wall lies beyond this, further to the south of the proposal site.

## **3.0 The Proposal**

3.1 The application proposes the amendment, extension, widening and partial re-routing of the path at the northern end of Jubilee Gardens, Chichester. The path seeks to be extended to connect to the dropped kerb to Franklin Place. Planting is detailed adjacent to the north-east corner of 41 Franklin Place. The plans detail the amended location of a lamp post.

## **4.0 History**

06/04322/PE	REC	Proposed new play area.
12/00636/PE		Erection of panels and provision of plaques and pavement markers in and around Chichester for the City Walls Project.
12/01212/LBC	PER	Installation of 3 no. lectern frame interpretive panels.
12/01550/LBC	PER	Installation of 4 no. A3 size etched zinc plaques with bronze colour infill around the City Walls Trail.
16/03145/PD	REC	Proposed path amendments to Jubilee Gardens.
17/00599/FUL	PDE	Amend, extend, widen and partially reroute the path at the northern end of Jubilee Gardens. The path will be extended to connect by the dropped kerb to Franklin Place and some planting will be created adjacent to the north-east corner of 41 Franklin Place.

## 5.0 Constraints

Listed Building	NO
Conservation Area	CC
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
- Flood Zone 2	YES
- Flood Zone 3	YES
Historic Parks and Gardens	YES

## 6.0 Representations and Consultations

### Chichester City Council

Objection. The existing footpath could be removed without the need for replacement because there is an existing footpath route along New Park Road.

### WSCC Highways

The proposal to re-route, extend and widen the path at the northern end of Jubilee Gardens has been considered by WSCC as the Local Highway Authority. No objection is raised.

The main bulk of the path is located within the public highway and also within land owned by CDC. The path will need to be closed whilst the works are undertaken however the footpath can be diverted during this time and the contractor will need to provide signs and provide a diverted pedestrian route.

This plan must be submitted to the LPA prior to works commencing.

### CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

### Environment Agency

The Environment Agency has no comments to make on the above proposal.

## 7.0 Planning Policy

### The Development Plan

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 City 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 7: Masterplanning Strategic Development  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 13: Chichester City Transport Strategy  
Policy 39: Transport, Accessibility and Parking  
Policy 47: Heritage

### 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 (Promoting Sustainable Transport) of the National Planning Policy Framework (March 2012).

### Other Local Policy and Guidance

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:

- Promote and increase sustainable, environmentally friendly initiatives in the district

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of Development;
- ii) Heritage

### i) Principle of Development

8.2 Policy 39 (Transport, Accessibility and Parking) supports development that provides necessary improvements to transport networks. Policy 39 requires development to minimise additional traffic generation and movement and should not create or add to problems of safety, congestion, air pollution or other damage to the environment. Policy 39 encourages development that can be assessed by sustainable modes of transport, in part, through the creation of links between new development and existing pedestrian, cycle and public transport networks.

8.3 The application proposals seek to improve the direct and free flow of pedestrian and bicycle traffic from the northern strategic development location of Graylingwell to the City Centre of Chichester. Further, the proposals would minimise current localised issues of pedestrian conflicts on the pavement junction on the corner of Franklin place by opening up pedestrian visibility splays. The redirected routes would provide a clearer, more distinct direction for pedestrian traffic to follow which makes sustainable transport routes both legible and safe.

8.4 Whilst the predominant users of the footpath comprise pedestrian and bicycle users, the re-routed pavement would be of particular benefit to wheelchair users and those encumbered by pushchairs or otherwise in need of a wider path. The proposals would improve access routes by providing direct, safe and sufficient access into the City Centre.

8.5 In light of the above, the development accords with the contents of Policy 39 (Transport, Accessibility and Parking) of the Chichester District Council Local Plan Key Policies (2014-2029) and is considered to be acceptable in policy terms, subject to consideration of any other material considerations.

## ii) Heritage

8.6 The application site is within the Chichester Conservation Area and is adjacent on its southern western sides to the listed heritage assets of Franklin Place and the City Walls. Policy 47 (Heritage and Design) of the Chichester District Council Local Plan Key Policies (2014-2029) requires development to conserve and enhance the architectural and/or historical significance of designated heritage assets.

8.7 The Chichester Conservation Area Character Appraisal (CACA) identifies “poor quality pedestrian environment in places, particularly paving and street lighting” as a public realm issue within this area. The CACA also notes that the landscaping and surfacing materials within the vicinity of Oaklands Way would benefit from improvement. The proposal would address these issues by providing improved pedestrian access, an additional area of planting, and would retain the current level of street lighting by more suitably siting a lamp-post which currently sits within the existing narrow pathway. It is therefore considered that the proposal would conserve or enhance the Conservation Area and the setting of the nearby listed heritage assets. The proposal is therefore considered to accord with Policy 47 (Heritage and Design) of the Chichester District Council Local Plan Key Policies (2014-2029).

## Conclusion

Based on the above it is considered the proposal complies with the development plan policies and there are no material considerations which would indicate a decision otherwise than in accordance with the development plan. 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** 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) **No development/works shall commence** until a schedule of works has been submitted to and approved by the Local Planning Authority, in writing, showing the points of closure of the public footpath and areas of redirection, throughout the construction period. Once agreed with the Local Planning Authority in writing, the development shall be undertaken in accordance with these details.

Reason: To ensure safe and sufficient access for users of the footpath.

### **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 James Cross.

# Agenda Item 11

Parish: East Wittering And Bracklesham	Ward: East Wittering
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## **EWB/16/00492/FUL**


**Proposal** Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.


**Site** Ashbury Kimbridge Road East Wittering West Sussex PO20 8PE

**Map Ref** (E) 480297 (N) 96813

**Applicant** Mr Robert Harden

### **RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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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 comprises a two storey dwelling with a hipped roof with white render elevations and clay tile roof. The building is situated on a corner plot on the junction of Stocks Lane and Kimbridge Road. Demarcating the boundary of the application site is a mixture of landscaping and open grassed areas. Vehicular access to an area of off-road parking is provided from Kimbridge Road.

2.2 The application site is bounded on the south eastern elevation by a two storey dwelling, 140 Stocks Lane. To the north-west, on the opposite side of Kimbridge Road, is the neighbouring dwelling of Kimsea. There is a separation distance of approximately 22 metres between the opposing elevations of the two properties. The application building is set back from the roadside and the rear elevation abuts the western boundary of no. 140 Stocks Lane. As such, the site layout provides for little amenity space on site.

2.3 The application site is situated within 5.4km of the Chichester Harbour SPA and within the Settlement Boundary.

## **3.0 The Proposal**

3.1 The application seeks planning permission for the demolition of the existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling. The plans detail the widening of the kerb at the existing access along Kimbridge Road to facilitate 6 no. off-street car parking spaces. Landscaping proposals comprise a mixture of grass verges, planting and low lying boundary walls.

3.2 The proposed building comprises 3 storeys, but with the second floor contained entirely within the roof. Roof lights are proposed to serve the second floor, these would be 1.7 metres above finished floor level. The windows proposed along the rear elevation of the building at first floor level are proposed to be obscure glazed. The north east elevation, abutting Stocks Lane, would incorporate a dual pitched gable end. The proposed finishing to the elevations at first floor level comprise a mix of exposed render and horizontal timber cladding. The ground floor elevations would be finished in exposed brickwork.

3.3 Following the initial consultation period, the applicant has submitted amended plans following discussions with the Local Planning Authority. These plans vary the overall silhouette, fenestration and detailing of the building. The amended plans have been the subject of a re-consultation period, any further comments as a result of which will be updated at the meeting of the Planning Committee.

## **4.0 History**

88/00136/EW	REF	Divide existing double plot, demolish existing garage and build bungalow with garage on new plot.
94/01621/DOM	WDN	Single storey rear extension.
94/02161/DOM	PER	Proposed utility room and shower room single storey rear extension

		plus extension to existing detached garage single storey.
98/00467/DOM	PER	Proposed brick wall and fence infill on boundary.
10/02478/DOM	PER	Replacement, repositioned detached garage.
16/00492/FUL		Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### **East Wittering and Bracklesham Parish Council**

OBJECTION: This is overbuild. The design is too high, too bulky and out of character in an area of 3-bed semis and chalet bungalows. There is not enough parking on site. On-street parking in that area is already a problem as the road narrows at this point creating a hazard to traffic entering and exiting Stocks Lane as well as a danger to pedestrians. This road is busier than a usual side road as it is a through-route to West Bracklesham Drive used by locals to avoid the busy junction at Stocks Lane/Bracklesham Lane.

### **West Sussex County Council Highways**

#### Summary

West Sussex County Council, as the Local Highway Authority (LHA) has been re-consulted for residential development at above site. From an inspection of the amended plans the revised scheme is for a single block consisting of 6 x flats (5 x 2-bedroom and 1 x 1-bedroom).

#### Access and Visibility

Six off street car parking spaces have been provided. The parking layout has been amended. A single widened dropped kerb on the frontage to Kimbridge Road will be provided. The second existing dropped kerb will be unused and should therefore be

reinstated to kerb. These works should be carried out under licence obtained from the WSCC Local Area Engineer. From an inspection of local mapping and the amended site plan vehicular visibility from the furthest south car parking space onto Kimbridge Road is wholly maintainable within highway land. Manual for Streets (MfS) advises that 43 metres stopping sight distance is provided for 30 mph speeds. However, the proximity of the junction with Stocks Lane means this is not achievable. The applicant should therefore demonstrate, from 2.4 metre back into the northern most car parking space from the road edge, maximum achievable vehicular visibility to the north. Fence/ boundary treatment within this splay should be kept to a height of no more than 0.6 metres. The small section of fencing/ wall to the south should also be kept below a height of 0.6 metres to aid visibility of pedestrians using adjacent footway. Details of visibility can be secured via condition.

### Parking and Turning

On the basis of the six spaces remaining unallocated the WSCC Car Parking Demand Calculator envisions that five spaces would be required for the development. Details and confirmation of the parking remaining unallocated can be secured via condition. On this basis the LHA could not resist the application on parking grounds as sufficient provision has been demonstrated.

The widened dropped kerb could result in up to three on-street car parking spaces being taken away. The existing access results in one on-street car parking space being lost therefore up to two additional on street spaces could be taken away as a result of the development. The LHA do not consider that this level of displaced on street parking would cause grounds to resist the proposal. Whilst there is no junction protection nearby any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 – (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

A turn on site would be preferred, clearly though there is insufficient space to achieve this. However other properties have similar arrangements and balanced against this is the benefit of providing an opportunity to remove a vehicle that would otherwise be parked on the highway in a location where the existing practice is on-street parking by residents of adjoining properties which results in a noticeable narrowing of the existing available carriageway space.

Although a car could reverse from the proposed spaces MfS2 paragraph 10.6.1 states that "Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously - similarly to how vehicles pull out when visibility along the carriageway is restricted".

### Conclusion

The LHA does not consider that the proposal for 6 x flats 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 that there are no transport grounds to resist the proposal.

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

#### Details Approved

Access (details approved, access provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

#### Details Required

Access closure (prior to first occupation)

No part of the development shall be first occupied until such time as the existing vehicular access onto Kimbridge Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, including details of parking spaces to remain unallocated. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

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 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.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access

#### Third Party Objection

Fourteen letters of objection were received throughout the public consultation period. These objections comprise the following issues:

- a) There have been several accidents and many near misses on the junction
- b) HGV have previously had to mount the pavement to gain access to Kimbridge Road
- c) Development would look straight into bedrooms opposite the site
- d) The development may result in light trespass which would impact upon the dark skies of the Chichester Harbour AONB

- e) Development would prevent adjacent gardens being used as a quality control site for Dark Sky Monitoring
- f) Development would result in the loss of existing trees and shrubs which have been in place for decades - this would have a distinct detrimental effect on the local environment
- g) Proposed and unspecified low-level planting is an inadequate substitute
- h) Indirect ecological consequences - the population of small birds in this neighbourhood has decreased dramatically in recent years
- i) Removal of existing pine trees is likely to cause an immediate increase in predation of birds by magpies
- j) Boundaries shown on submitted plans show part of the boundary wall under separate land ownership as being demolished and replaced
- k) Where Ashbury plot is situated is at the end of Kimbridge Road and already the number of cars parked outside makes it dangerous to pull into Kimbridge Road off Stocks Lane as visibility is limited and if an oncoming car is heading towards you then you are forced to stop on Stocks Lane until it is safe to drive onto Kimbridge Road
- l) Concern that the extra 5 flats would mean at least 5 extra cars parked/driving on Kimbridge Road
- m) Unimaginative design and over powering impact not only to us but the surrounding houses
- n) Design is too big for the plot intended not to mention the parking issues
- o) Overwhelming danger of the speed and volume coming down of what is effectively a single track road is ludicrous
- p) Privacy - third storey windows
- q) Young family and elderly residents
- r) No landscaping outdoor space
- s) The expansion to six units is likely to generate more noise and disturbance and seems utterly inappropriate
- t) The proposed ugly design effectively turns the building into a three-storey structure - the effect, together with the addition of two external stairways, is to create an intrusively large, overbearing structure
- u) It is completely at variance with the scale and design of surrounding properties
- v) Due to the bulk and design it would have an extremely detrimental effect on the neighbourhood
- w) This would be exacerbated by the proposed removal of all existing trees and shrubs, causing the building to dominate existing properties and the general street scene
- x) Lack of any garden space is also likely to have a detrimental effect on neighbouring properties in that it appears utterly inadequate for the proposed six units, which may be occupied by families with children
- y) With no provision of a turning space within the property, vehicles will be forced to reverse, either into or out of the property, producing even more problems with traffic flow
- z) There is no provision whatsoever for visitor parking off-road, so the increase in residential units from one to six is likely to create an even greater problem of congestion

## Applicant/Agent's Supporting Information

The applicant's supporting information includes documentation that sets out other examples of similar development within the locality.

### **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 East Wittering and Bracklesham Parish Council 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 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

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), Section 6 (Delivering a Wide Choice of High Quality Homes) and Section 7 (Requiring Good Design).

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 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) Principle of development
- ii) Appropriateness of design
- iii) Impact on the amenities of neighbouring properties
- iv) Highway safety
- v) Landscaping
- iv) Chichester Harbour Special Protection Area

### i) Principle of development

8.2 Policy 2 (Development Strategy and Settlement Hierarchy) of the Chichester District Council Local Plan Key Policies (2014-2029) supports development within the settlement hubs including that of East Wittering. Within settlement hubs Policy 2 seeks to provide a range of homes. Therefore, the principle of development is acceptable in principle subject to all other material considerations.

### ii) Appropriateness of design

8.3 Policy 33 (New Residential Development) of the Chichester District Council Local Plan Key Policies (2014-2029) provides seven criteria against which new residential development should be assessed. The policy requires development to meet the highest standards of design which is in keeping with the character of the surrounding area and its setting in the landscape.

8.4 The submitted plans detail a mixture of exposed brickwork, render and horizontal timber cladding finishing the elevations of the building. These materials pick up on those found within the immediate locality within existing and more recent development along Kimbridge Road and the B2179.

8.5 The proposed building retains the character of a two storey property (as the second floor is contained within the roof) which is characteristic of other dwellings along Kimbridge Road. Whilst the overall height, size and scale of the main building represents an increase to the

existing building on the site, the varying ridge heights of the building, coupled with the part hipped, part gable end roof form, reduces the overall perception of scale and massing. Whilst there will be a perceptible increase in the size and massing as a result of the proposal, this would not be to such a degree as to be out of keeping with the established character of the area.

8.6 Other nearby properties in the area mainly comprise dwellings set back from the carriageway, a mixture of single and two storey properties, including some with a third floor contained within the roof space. The proposal includes the retention of the existing brick wall, supplemented by further proposed planting, which may be secured through condition. Appropriate landscaping in conjunction with the proposed design of the building would ensure the predominant character of the surrounding area is retained.

8.7 Whilst Policy 33 of the Local Plan does not stipulate a threshold on required amenity space, an element of private communal amenity space would be provided for, around the proposed building. Given the smaller size of the proposed properties and that they would be unlikely to provide for family accommodation that would give rise to a need for a greater provision of private amenity space, the level of private outdoor amenity space proposed is appropriate. In addition, the application site is in close proximity (within walking distance) to the waterfront and public beaches, which would ensure that future occupants of the proposed dwellings would have sufficient access to public open space and amenity opportunities.

### iii) Impact on the amenities of neighbouring properties

8.8 Concern has been raised by third parties in respect of the potential impact upon the amenities of neighbouring properties, specifically the relationship between the proposed building and existing dwelling located to the north-west (Kimsea). However, the distance to Kimsea equates to circa 22 metres from elevation to elevation. The Council's design guidance which is typically used for assessing impacts on residential amenity suggests that 21 metres is typically sufficient to prevent issues of privacy and overlooking. In addition the relationship in question is one across the public highway, whereby a lesser level of privacy is to be expected.

8.9 Windows along the first floor north-west elevation remain in a comparable position as that of the existing dwelling occupying the site. Therefore, whilst there may be a material increase in the instances of overlooking from the proposed windows the development would not result in any further opportunity for overlooking of neighbouring properties to that which already exists. Whilst the proposal introduces roof lights to the second floor which do not exist in the present building, these windows would be situated in excess of 1.7 metres above finished floor levels (which can be controlled through appropriate conditions). On this basis, the roof lights along the north-west elevation would not result in an adverse impact in relation to the overlooking of neighbouring dwellings or an erosion of the privacy currently afforded to those dwellings to an unacceptable degree.

8.10 Further concern has also been raised by third parties in respect of the potential overlooking of the neighbouring property to the south east (no. 140) as a result of the proposed windows at first floor level on the south east elevation of the proposed building. As a result the applicant has altered the internal layout and the position of the proposed windows, to allow for the appropriate use of obscure glazing, which could be secured through appropriate condition.



8.11 It is considered that the proposed development has been appropriately designed as to minimise the impact on the amenities of neighbouring properties and would not have an undue adverse impact on neighbouring dwellings through the loss of light, overlooking or outlook from those properties.

8.12 In light of the above, the development results in a design that reinforces the character of the surrounding area. The development therefore accords with the contents of Policy 33 (New Residential Development) of the Chichester District Council Local Plan Key Policies (2014-2029).

iv) Highway safety

8.13 Policy 39 (Transport, Accessibility and Parking) of the Chichester District Council Local Plan Key Policies (2014-2029) requires all development to provide for the access and transport demands that they create.

8.14 The application provides for 6 no. off street car parking spaces in connection with the residential dwellings. The parking provision/access point is retained as existing, although it is widened through the provision of an extended drop kerb. The applicant has also provided details of cycle parking in connection with the dwellings on the site.

8.15 The Local Highway Authority (WSCC) has been consulted and have assessed sufficient off-street parking has been provided as part of the proposals. Equally, the Highway Authority considers that sufficient visibility splays could be achieved from the site, which should be secured by way of condition. Therefore, a condition would be necessary to require the provision of the proposed car parking and visibility splays of 43 metres, prior to first occupation of the development.

8.16 Having regard to the considerations set out above, the development provides for safe and sufficient access and parking for the transport demands they create. Therefore, the development accords with the contents of Policy 39 (Transport, Accessibility and Parking) of the Chichester District Council Local Plan Key Policies (2014-2029).

v) Landscaping

8.17 Policy 48 (Natural Environment) of the Chichester District Council Local Plan Key Policies (2014-2029) requires development to recognise distinctive local landscape character and sensitively contribute to its setting and quality. The policy also requires proposals to respect and enhance the landscape character of the surrounding area and site, and public amenity through detailed design.

8.18 The application proposes landscaping around the proposed built form of the development, comprising a mixture of an existing dwarf brick wall, areas laid to grass and elements of more significant planting. Other associated hard surfacing is proposed in the form of paving around the building.

8.19 Mature landscaping and planting along the boundaries of properties are a common feature along Kimbridge Road and Stocks Lane. The proposed landscaping reflects the surrounding established character and appearance of the area and provides continuity within the street scape. A condition would be necessary to agree further details of the landscaping and to secure its provision as part of the development.

## vi) Chichester Harbour Special Protection Area

8.20 The application site falls within the Chichester Harbour Special Protection Area where any net increase in residential unit results in harm which is required to be offset. The applicant has confirmed in writing a willingness to provide sufficient mitigation in accordance with Policy 50 of the Local Plan to offset the potential harm caused to the SPA designation. Therefore, the development accords with Policy 50 (Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas) of the Chichester District Council Local Plan Key Policies (2014-2029).

### Section 106 Agreement & CIL

A financial contribution is sought via Unilateral Undertaking to offset the harm caused to the Chichester Harbour Special Protection Area. This payment is payable upon the granting of consent. In addition the development is liable to pay the Council's Community Infrastructure Levy (CIL) charge at a rate of £120 per sqm.

### Conclusion

Based on the above it is considered the proposal complies with development plan policies 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**

**DEFER FOR SECTION 106 THEN PERMIT** subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall be carried out in accordance with the approved plans; 0064-003 Proposed Site Plan, 0064-004 Ground and First Floor Plans, 0064-005 Second Floor and Roof Plan, 0064-006 Elevations and 0064-007 Elevations and Cross Sections.

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) No part of the development hereby permitted shall be first occupied until visibility splays of 43 metres by 43 metres have been provided at the proposed site vehicular access onto Kimbridge Lane in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. 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 part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose and shall remain undesignated and each available for parking by any occupier of the development or visitor thereto.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

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

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

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) **The development hereby permitted shall not be first brought into use** until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

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

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

10) No part of the development hereby permitted shall be undertaken until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority, showing the site set up during construction. This shall include details for all temporary contractor's buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

11) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, **the dwelling shall not be first occupied until** the first floor window(s) in the south eastern elevation of the development hereby permitted shall be permanently;

(i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and

(ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies.

12) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the elevations or roof pitches of the development hereby permitted without a grant of planning permission.

Reason: To protect the residential amenities of occupants of the adjacent dwelling.

## INFORMATIVES

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

For further information on this application please contact James Cross.

Report to **Planning Committee**  
Date  
By **Head of Planning Services**  
Local Authority **Chichester District Council**  
Application No. **SDNP/16/05499/HOUS & SDNP/16/05500/LIS**  
Applicant **The Barlavington Estate**  
Application **Removal of existing side extension and construction of a new two storey extension on a similar footprint.**

Address **2 Sutton Hollow  
The Street  
Sutton  
RH20 1PY**

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**Recommendation: That the application be approved for the reasons set out in paragraph 10 of this report.**

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## **Executive Summary**

No 2 Sutton Hollow is a Grade II Listed semi-detached two storey dwelling located to the north of Sutton, within the South Downs National Park.

The proposal seeks planning permission and Listed Building consent for the demolition of the existing side extension and construction of a new two storey side extension, the extension will be approx. 0.7m wider than the existing extension and instead of a catslide roof it will include a bonnet hipped roof. The extension would read as a visually subservient addition and would not detract from the character and appearance of the Listed Building, ensuring that its historic character and integrity is preserved and it would conserve the natural beauty of the South Downs National Park. The extension would enable the removal of a bulky flat roofed dormer window on the side elevation of the building and provide a more visually harmonious addition in keeping with the historic character and appearance of the building. Removal of the existing extension will help with the structural stability of the property. The extension would be sited away from neighbouring properties and would therefore not impact on their amenity. Adequate mitigation has been provided to ensure that no harm is caused to trees on the site.

The proposal is therefore considered acceptable and is recommended for approval.

**Reason for Committee Referral:** Parish Objection – Officer recommends Permit

## **1 Site Description**

1.1 No 2 Sutton Hollow is a semi-detached two storey dwelling located to the north of Sutton, within the South Downs National Park. The property is Grade II Listed and is described in the list description as C18 or earlier cottage of two storeys with coursed stone with red brick dressings and quoins, with a hipped tiled roof.

1.2 No1 and No2 Sutton Hollow were originally built as a single cottage, but over time the building has evolved with extensions at either end. No1 includes a two storey extension and on No 2 there is a single storey cat-slide roof with a dormer addition.

## **2 Proposal**

2.1 The proposal seeks permission for the demolition of the existing side extension and construction of a new two storey side extension, the extension will be approx. 0.7m wider than the existing extension and instead of a catslide roof it will include a bonnet hipped roof. The eaves of the extension will be set lower than the host dwelling and on the rear elevation a conservation rooflight is proposed within the roofspace. It will also include the removal of the existing conservatory to the rear and various internal alterations including moving the kitchen into the new extension.

## **3 Relevant Planning History**

3.1 SN/08/02020/DOM - To demolish existing single storey South West addition and re-build as a two storey extension. Demolish existing porch and conservatory replacing with ground floor cat-slide extension. Front (roadside) elevations are to remain unaffected. New two storey extension to incorporate at ground floor level 1 no. new wc and kitchen, at first floor level 1 no. new bedroom and bathroom. New single storey rear extension to incorporate 1 no. new conservatory/breakfast room and living room. Internal alterations to existing house at ground floor level: Conversion of existing kitchen and dining room. Creation of new staircase within living room. Removal of existing bathroom for enlargement of north side living room. At first floor level, creation of 1 no. new bedroom and bathroom. REFUSE

3.2 SN/08/02023/LBC - To demolish existing single storey South West addition and re-build as a two storey extension. Demolish existing porch and conservatory replacing with ground floor cat-slide extension. Front (roadside) elevations are to remain unaffected. New two storey extension to incorporate at ground floor level 1 no. new wc and kitchen, at first floor level 1 no. new bedroom and bathroom. New single storey rear extension to incorporate 1 no. new conservatory/breakfast room and living room. Internal alterations to existing house at ground floor level: Conversion of existing kitchen and dining room. Creation of new staircase within living room. Removal of existing bathroom for enlargement of north side living room. At first floor level, creation of 1 no. new bedroom and bathroom REFUSE

3.3 SN/12/01407/LBCNP - Removal of existing side extension and construction of new two storey extension on similar footprint. Removal of conservatory to rear. Various internal alterations including the provision of a new staircase and associated works. REFUSE - Appeal Dismissed

3.4 SN/12/01434/DOMNP - Removal of existing side extension and construction of new two storey extension on similar footprint. Removal of conservatory to rear. Various internal alterations including the provision of a new staircase and associated works. REFUSE - Appeal Dismissed

3.5 SDNP/15/03261/HOUS - Removal of existing side extension and construction of a new two storey extension on a similar footprint. REFUSE

3.6 SDNP/15/03262/LIS - Removal of existing side extension and construction of a new two storey extension on a similar footprint. REFUSE

## **4 Consultations**

### **Parish Council**

4.1 This is a 2 bedroom cottage and should remain so. The Parish Council is concerned that a 2 bedroom cottage should be made larger, this is contrary to the aims and objectives of the SDNP policies. The traditional cottage scale and appearance is an important aspect and needs to be preserved. There have been 3 refusals of planning applications (2008, 2012 & 2015).

4.2 At present there is a catslide roof which is in keeping with a property of this age, there is a dormer window within this which is unattractive, but this can be replaced with one in keeping with the property.

4.3 It is regrettable to note that yet again supporting documentation of these further applications to extend this 2 bedroom listed cottage contain factual errors. Despite these, the previous objections made against this development remain unchanged, namely that the proposed development is contrary to the current listed and local plan policies and therefore the Parish Council does not support the application and recommend that the application should therefore be refused.

## **5 Representations**

5.1 No comments received

## **6 Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the Chichester District Local Plan First Review (1999) and all made neighbourhood plans. There is no made neighbourhood plan for Sutton and Barlavington Parish at this time.

6.2 The relevant policies to this application are set out in section 7, below.

### National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## **7 Planning Policy**

### Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework policies have been considered in the assessment of this application:

The following National Planning Policy Framework policies have been considered in the assessment of this application:

National Planning Policy Framework: Core Principles, Section 7 (Good Design), Section 12 Conserving and enhancing the historic environment, and Paragraphs 17 (Sustainable Development) and 115 (Conserving the Landscape and Scenic Beauty of National Parks).

Sections 16, 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant to the determination of the application.

#### Chichester District Local Plan 1999

7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

7.4 The following policies of the Chichester Local Plan First Review (1999) are relevant to this application:

- BE4 - Buildings of Architectural or Historic Merit
- BE5 - Alterations to Listed Buildings
- RE1 - Development in the Rural Area Generally
- H12 - Replacement Dwellings and Extensions in the Rural Area
- BE11 - New Development
- BE12 - Alterations, Extensions and Conversions

#### South Downs Local Plan – Preferred Options 2015

7.5 The following policies of the South Downs National Park Local Plan - Preferred Options September 2015 are relevant to this application:

SD6 – Design

SD11 – Historic Environment

SD40 – Listed Buildings

SD45b – Extensions to existing dwellings, annexes and outbuildings

#### Partnership Management Plan

7.6 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.7 The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9

## **8 Planning Assessment**

8.1 The main issues with this proposal are considered to be:

- the impact of the design and scale of the proposed extensions and alterations on the character and appearance of the dwelling
- the impact of the development on the amenities of the occupiers of the neighbouring properties
- the impact of the development on the character and appearance of the area
- the impact of the development on trees



- Parking and Access

The impact of the design and scale of the proposed extensions and alterations on the character and appearance of the dwelling

8.2 Policy BE4 of the Chichester District Local Plan 1999 states that the Local Planning Authority will place a high priority on the character and appearance of buildings of architectural and historic interest. Policy BE5 states that where listed buildings are to be altered or extended the design must be appropriate to the character of the listed building. Policy H12 relates to extensions in the countryside which must not detract from the rural character and appearance of the existing dwelling or its surroundings by virtue of scale, mass or design.

8.3 The proposed extension would replace an existing catslide addition with a large bulky dormer window on the southern elevation of the building. The extension following negotiations would now read as a visually subservient addition and would not detract from the character and appearance of the property. It is noted that the extension would enable the removal of a bulky flat roofed dormer window on the side elevation of the building and provide a more visually harmonious addition in keeping with the historic character and appearance of the building, this accords with the appeal decision and the Inspectors comments regarding the dormer as 'a large, unattractive feature and its removal would be a significant improvement to the current appearance of the building.'

8.4 The extension, by reading as a smaller more visually subservient addition to the extension to No1 Sutton Cottage ensures that the evolution of the building is still read, as the division of the farmhouse into two units represents a significant phase in the buildings evolution, and a change from a farmhouse to a tenanted, probably agricultural works estate property. The unequal division of the original building resulted in two extensions either side, and the respective size of the extensions are indicative of the division of the original property, off-centre with a flying freehold formation.

8.5 The removal of the existing extension would also help with the structural stability of the property, this was an issue which was raised at appeal with the Inspector highlighting that 'there is a clear and immediate need for structural works to the cottage.' With the application details of this have been provided to demonstrate that the existing structure could not be stabilised and that the construction of a replacement single storey extension would provide stabilisation and ensure the retention of the historic structure.

8.6 It is noted that the staircase would be located within the new extension, a Historic Building Assessment has been submitted with the application and although this has not determined the original location of the stairs it is clear that neither of the existing stairs in properties 1 and 2 Sutton Hollow are of any particular significance, this is therefore considered to be acceptable and by being sited within the new extension will not impact of the historic integrity and character of the listed building.

8.7 The removal of the conservatory is considered acceptable as this was considered at appeal stage to be 'a utilitarian structure added to the rear of the building, and its removal would improve the appearance of the building and weight is attached to the benefit of removal.'

8.8 The proposal is considered to ensure that the historic character and integrity of the host building is preserved, therefore according with Policies BE4, BE5, BE11, BE12 and H12 of the Chichester District Local Plan 1999.

The impact of the development on the amenities of the occupiers of the neighbouring properties

8.9 The extension would be sited away from neighbouring properties and replaces an existing extension on the side elevation, therefore it is not considered that the proposal would result in any significant harm to residential amenity to warrant a reason for refusal.

#### The impact of the development on the character and appearance of the area

8.10 The extension would read as a more visually harmonious and subservient addition to the dwellinghouse than existing, by being stepped down from the ridgeline and set back from the front building line therefore it is considered that the proposal would conserve and enhance the natural beauty of the surrounding area.

#### The impact of the development on trees

8.11 An arboricultural survey has been submitted with the application and the tree officer has been consulted on the application. Appropriate mitigation techniques have been submitted with the application to ensure that no harm is caused to the trees on site.

#### Parking and Access

8.12 Parking and vehicular access on the site will remain unchanged.

### **9 Conclusion**

9.1 To conclude, the proposed works are considered to be acceptable and would ensure that the historic character and integrity of the Grade II listed building is preserved therefore accord with policies BE4 and BE5 of the Chichester District Local Plan 1999, SD6, SD11, SD40 and SD45b of The South Downs National Park Preferred Options and Sections 7,12 and Paragraphs 17 and 115 of the National Planning Policy Framework.

### **10 Reason for Recommendation and Conditions**

It is recommended that the applications be approved for the reasons set out below.

#### SDNP/16/05499/HOUS

1. The development hereby permitted shall be carried out in accordance with the schedule of plans in 'Appendix 2 - Plans Referred to in Consideration of this Application'

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

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the SDNPA, samples of such materials and finishes to be used in the external walls and roofs of the proposed extensions to the house and the coping and capping to be used on the brick piers and adjacent stone wall have been submitted to and approved by the SDNPA. Once approved the works shall be carried out in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail and to preserve the special character of the buildings for the future.

4. Before work commences on the building, a schedule of works to include details of the new stairs shall be submitted for approval to the Local Planning Authority. Once approved the works shall be carried out in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail and to preserve the special character of the buildings for the future.

5. Notwithstanding the details shown on the approved plans, no development shall commence until full details of the windows, doors and rooflight hereby approved, have been submitted to and agreed in writing by the Local Planning Authority. The details shall include drawings and sections at a scale of not less than 1:10 to clearly show the construction of the element, details of final finish (including colour) and its finished relationship to the building elevation. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the absence of these important details from the application.

6. Upon the carrying out of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good.

Reason: To preserve the special character of the building for the future.

7. The proposed works and mitigation techniques to the trees on site shall be undertaken in accordance with the Arboricultural Impact Assessment dated 19<sup>th</sup> December 2016 unless otherwise agreed in writing by the Local Planning Authority.

Reason: Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

#### SDNP/16/05500/LIS

1. The development hereby permitted shall be carried out in accordance with the schedule of plans in 'Appendix 2 - Plans Referred to in Consideration of this Application'

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

2. The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the SDNPA, samples of such materials and finishes to be used in the external walls and roofs of the proposed extensions to the house and the coping and capping to be used on the brick piers and adjacent stone wall have been submitted to and approved by the SDNPA. Once approved the works shall be carried out in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail and to preserve the special character of the buildings for the future.

4. Before work commences on the building, a schedule of works to include details of the new stairs shall be submitted for approval to the Local Planning Authority. Once approved the works shall be carried out in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail and to preserve the special character of the buildings for the future.

5. Notwithstanding the details shown on the approved plans, no development shall commence until full details of the windows, doors and rooflight hereby approved, have been submitted to and agreed in writing by the Local Planning Authority. The details shall include drawings and sections at a scale of not less than 1:10 to clearly show the construction of the element, details of final finish (including colour) and its finished relationship to the building elevation. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the absence of these important details from the application.

6. Upon the carrying out of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good.

Reason: To preserve the special character of the building for the future.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

14.1 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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Beverley Stubbington  
Tel: 01243 534734  
email: dcplanning@chichester.gov.uk

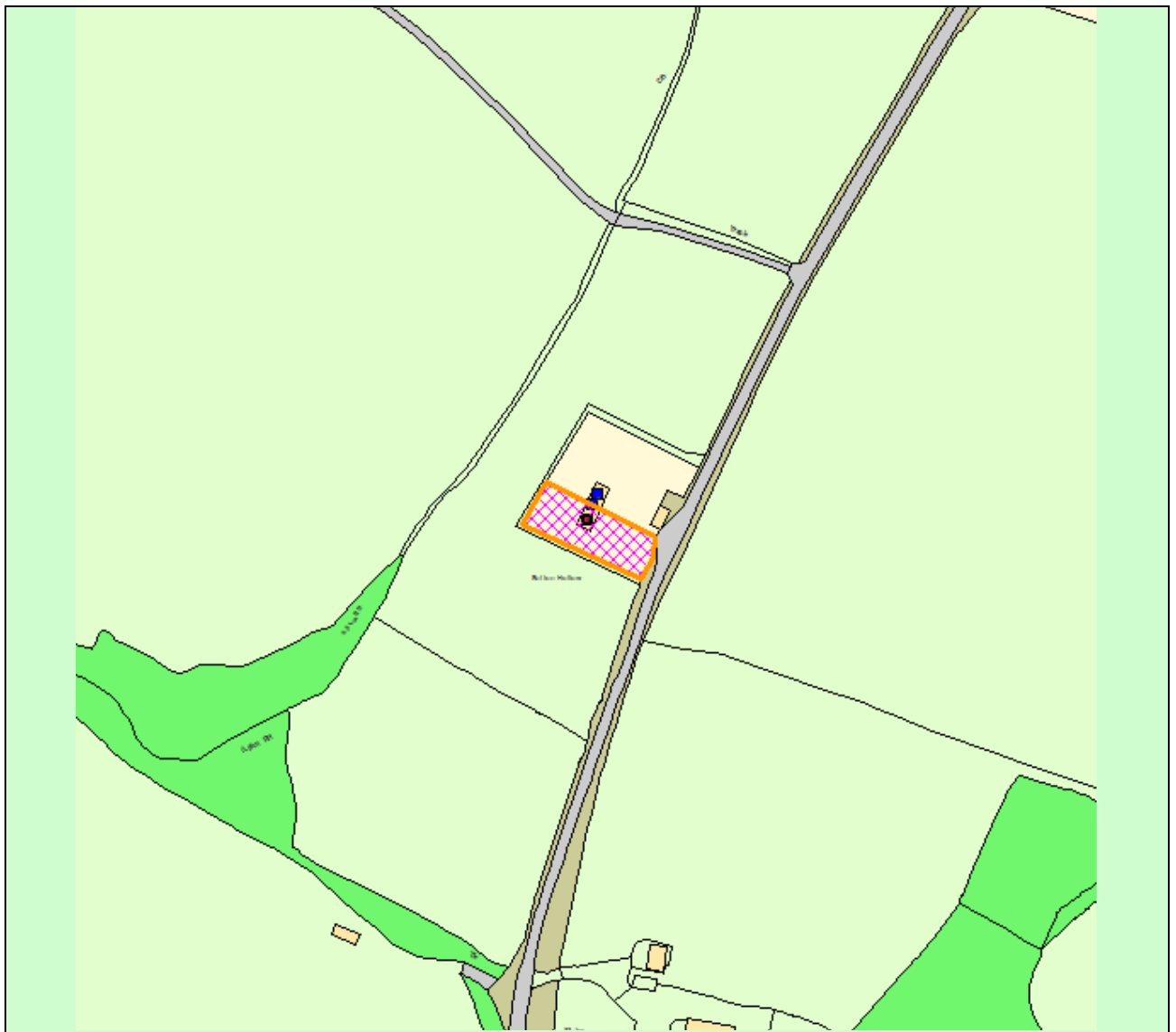
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans – Proposed plans and elevations	245/02	D	08.02.2017	Approved
Plans – Roof Plans	245/04	D	08.02.2017	Approved
Plans - Roof Plans	245/04	C	30.01.2017	Superseded
Plans - Proposed plans and elevations	254/02	C	30.01.2017	Superseded
Plans - Existing plans and elevations	245/01		03.11.2016	Approved
Plans - Proposed plans and elevations	245/02	B	03.11.2016	Superseded
Plans - Location and site plans	245/03	D	03.11.2016	Approved
Plans - Roof plans	245/04	B	03.11.2016	Superseded

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

Report to	<b>Planning Committee</b>
Date	<b>26 April 2017</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>SDNP/16/05104/FUL</b>
Applicant	<b>R C Langmead Ltd</b>
Application	<b>Continuation of use of former grain building for the assembly, testing, packing, storage and distribution of centrifuges.</b>
Address	<b>Church Farm Wildham Lane Stoughton PO18 9JL</b>

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**Recommendation:** That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

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## **Executive Summary**

### **RED CARD (Cllr Tassell) - When there is an exceptional level of public interest**

The application is for retrospective planning permission to use the former agricultural buildings for B1(c) and B8 purposes in conjunction with the tenants existing administrative occupation of the adjacent buildings, namely the assembly, testing, packing, storage and distribution of centrifuges. The use of the barns for such purposes is supported by both local and national planning policies in terms of both the economic and environmental sustainability dimensions of the NPPF. It is considered that the activities associated with the use physically maintain the functional character and setting of the buildings that help define this part of the conservation area and furthermore would not have a harmful effect on the setting of nearby listed buildings. The local highway network is considered capable of absorbing traffic activity associated with this use and it is considered to operate at a level that does not materially harm the living conditions of nearby residents.

### **1 Site Description**

1.1 The application site is located within the South Downs National Park, within the rural area and within the Stoughton Conservation Area. The site is also considered to be in the curtilage of the Grade II listed Church Farm House. The application buildings form part of a wider complex of agricultural buildings, a number of which are already in B1 and B8 use situated on the western approach to the village.

1.2 The buildings subject to this application comprise a group of portal-framed agricultural buildings formerly in use as a grain store that are clad in profiled cement fibre sheeting which are in turn attached to a traditionally constructed flint, slate roofed barn. An open-sided 'lean-to' is attached to the north elevation of the portal-framed building. Immediately to the east of the buildings is an expanse of hardstanding, which serves as a parking and turning area for the present commercial activities. Historically, this area of hardstanding has been used in connection with the agricultural activities of the farm, although the applicant has confirmed that this has recently been resurfaced.

1.3 A small group of single storey farm buildings immediately to the north of the application buildings have been converted to B1 office use and service the administrative function of the applicant's tenant (Centurion Scientific).

1.4 The buildings are set back from the highway and the intervening area informally laid to grass. A number of semi-mature trees filter views of the building group from the highway.

1.5 Access to the buildings and the parking area is via a single track lane to the east of the buildings. This also serves a number of existing dwellings to the east and north of the site, as well as the parish church.

## **2 Proposal**

2.1 The application seeks retrospective planning permission for the change of use of the buildings for the assembly, testing, packing, storage and distribution of centrifuges. There have been no external changes to the buildings to facilitate the use and internally the only works that have taken place involve the fitting out with work benches, storage racks and lightweight partitioning. The roof and walls of the portal-framed buildings have at some point been insulated with sprayed on foam. However, none of these works constitute development.

## **3 Relevant Planning History**

SO/09/03243/FUL - Change of use of barn to B1 (business) use, provision of car parking and retention of associated internal and external works to the building PERMIT 28.10.2009

SDNP/14/02094/FUL - Proposed change of use from existing inadequate and unsuitable open agricultural storage building to 1 no. open plan office. PERMIT 10.07.2014

SDNP/16/05595/FUL - Retrospective amendments to planning permission SDNP/14/02094/FUL to include additional window and side extension to provide 2 no. wc's. PERMIT 23.12.2016

**\*NOTE the above history relates to the adjacent barns immediately to the north but now used by the applicant's tenant and therefore relevant**

## **4 Consultations**

### **WSCC Highways - CDC**

In accordance with appendix "b" of the Guidance on Transport Assessments produced by the Department for Transport, a development of this nature with a GFA of less than 1500m<sup>2</sup> is not considered to generate to generate a significant level of traffic (ref NPPF para 32), and requires neither a Transport Statement or Transport Assessment to be submitted in support of the application.

### **Access**

The former grain building is located centrally within the village of Stoughton. Access to the site is provided via an existing access onto Stoughton Green, a 'D' classification road connecting to 'C' classification Wildham Lane. Having observed the site, it is apparent that HGV vehicles already use the access. No modification to the access is proposed.

### **Trip Generation**

No trip generation information has been provided by the Applicant. The LHA have derived the number of movements that would typically be expected from a development of this nature, based on the characteristics of the area, from the Trip Rate Information Computer System (TRICS). In summary, it is anticipated that the development could generate 1 or 2 HGV journeys per day (HGV being classed as a vehicle in excess of 3.5t gross laden weight). Such a level of movement would be commensurate with agricultural use. Therefore, it is not considered that the proposed use would result in a severe (NPPF para 32) impact on the local network. The



assessment indicates that circa 30 non-HGV movements would be expected from such a use during the course of a working day.

### **Comments dated 03.01.2017 following receipt of further information**

Thank you for the provision of the additional information. Whilst the additional spaces do not supply sufficient demand to cater for the anticipated demand derived from TRICS, the shortfall is such that it would only result in an infrequent occurrence that the parking would be occupied at 100% of the capacity. There does appear to be some room at the end of the parking area where this could be accommodated informally on such occasions - I do not consider the impact to be severe (para 32, NPPF). No objection is raised.

Should permission be granted I would recommend a condition requiring the provision of the car parking in accordance with the site plan

### **The Environment Agency - CDC**

The Environment Agency has no comments to make on the above proposal.

### **Parish Council Consultee**

The Parish Council generally accepts the principle of farm diversification, where new uses can be satisfactorily and appropriately housed in structurally sound existing buildings which are no longer required for agricultural use. However, in this instance the Parish Council is aware that some local concerns have been expressed about this particular use, notably in terms of the nature (large delivery lorries) and apparent frequency of the commercial vehicle traffic servicing the use, and the amount of regular car parking associated with it. This is in the context of the site being within a Conservation Area, and in the centre of the fairly remote and generally down land village of Stoughton ( and therefore also close to houses), within the South Downs National Park. There is no public transport to the village, so generally speaking all employees on the site will come to work by car. Particular care is therefore required on the part of the planning authority, in weighing up these apparent disadvantages and adverse effects on amenity, against any benefits from continuation of current use.

## **5 Representations**

### **23 third party objections**

Industrial use incompatible with this Downland village  
Noise and disturbance through increased traffic movements  
Road network inadequate  
Impact on character and appearance of CA  
Not sustainable development  
Site prone to flooding

### **1 third party support**

Appropriate diversification  
Lorries and machinery associated with previous use as grain store  
Already other frequent delivery/courier services to village - nobody complains  
No noticeable change in traffic movement  
Should support rural businesses

### **Agents supporting information**

Tenant has had a presence on the site since 2009 - office operation form converted barn immediately to north of application building.  
Commercial advantages in having whole operation on a single site. Employs a total of 15 people in the assembly and dispatch building.  
Positive policy support for re-use and rural diversification.  
Assembly/production operations virtually silent - also use electric forklift in dispatch area  
Working hours limited to 08:00-16:15 Mon-Fri and 08:00-16:00 Fri and no weekends/bank holidays

Delivery/collection times 08:00-15:30 Mon-Thur and 09:00-15:00 Fri and no weekends/bank holidays.

Size of delivery/collection vehicles limited to 2.5-3.0 tonne vehicles with occasional 7.5 tonne lorry. Informal log of delivery movements for three separate months (October 2016, Feb and Mar 2017) demonstrate number of vehicle movements range between 1-3 per day with an average of 1.4/day. These were mainly long wheel-based vans.

Hardstanding has been in situ for many years - has been recently top-dressed

Parking on historic area of hardstanding not harmful to character of conservation area - also used at weekends by others

Relevant to note that amount of activity and noise significantly less than previous agricultural use as grain store and grain drier operations - often operated at unsocial hours .

The character and appearance of the Stoughton Conservation Area and the wider National Park are preserved, if not enhanced due to the significant reduction in traffic movements.

## **6 Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

## **7 Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Building a strong, competitive economy
- NPPF - Supporting a prosperous rural economy
- NPPF - Conserving and enhancing the natural environment
- NPPF - Conserving and enhancing the historic environment

The following paragraphs of the NPPF are considered relevant to the determination of this application:

7,14, 17, 18, 28, 56, 61, 115, 128, 129, 132, 134.

It is also necessary to have regard to the statutory duties set out at sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

RE1 - Development in the Rural Area Generally  
RE12 - Rural Diversification  
RE14 - Conversions in the Rural Area  
BE4 - Buildings of Architectural or Historic Merit  
BE6 - Conservation Areas  
BE11 - New Development

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

General Policy 1  
General Policy 9  
General Policy 48  
General Policy 50

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

SD5 – Landscape character  
SD8 – Relative tranquillity  
SD11 – Historic environment  
SD27 – Sustaining the rural economy  
SD39 – Conservation Areas  
SD43 – Public realm and highway design  
SD47 – Farm diversification  
SD49 – Conversion of redundant agricultural buildings

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

8.1 The main issues are considered to be the effect of the introduction of a commercial re-use of these farm buildings on the character and appearance of the conservation area, the setting of nearby listed buildings and the living conditions of nearby residents through activity and traffic generation associated with the use.

### **Principle of re-use of buildings**

8.2 The re-use of the buildings for purposes other than agriculture is supported by Policy RE14 of the Local Plan and national planning policy at paragraph 28, where the objective is support for the rural economy through diversification of agricultural and land-based businesses. However, it is acknowledged that this must be balanced against other environmental considerations, as set out above.

### **Effect on the character and appearance of the conservation area and residents' living conditions**

8.3 The use of the assembly, testing, storage and distribution of high quality centrifuges itself is carried on wholly within the buildings. The centrifuges are largely hand-assembled using bespoke tools and components, with testing of the product carried out electronically in a dedicated area of the traditional barn. Storage of the finished products takes place in the largest of the barn group prior to dispatch. These activities are relatively low-key and do not result in any quantifiable disturbance. Therefore it is considered that the actual use does not have an adverse impact on the surroundings in terms of visual impact or relative tranquillity.

8.4 The main external impact is considered to be the activity associated with the use in terms of delivery movements to and from the buildings along staff parking and the capacity of the local road network to handle traffic. It is this element that has generated most concern locally. The previous agricultural use of these buildings focussed on the storage of grain, grain drying and most recently for storage - for example fertilizer. Therefore it is in context of this type of agricultural use that the present use should have regard to.

8.5 WSCC Highways has advised that the development could generate 1 or 2 HGV journeys per day (HGV being classed as a vehicle in excess of 3.5t gross laden weight). Importantly it is further advised that such a level of movement would be commensurate with a former agricultural use. WSCC Highways went on to conclude that it is not considered that the proposed use would result in a severe (NPPF para 32) impact on the local network. Informal dispatch/delivery logs provided by the applicant for three separate months (October 2016, Feb and Mar 2017) indicate that such movements are limited to between 1 and 3 movements per day and the majority are long-based vans typically used by TNT, UPS and DHL.

8.6 The level of parking has been adjusted to account for the advice of WSCC Highways and has been further refined to incorporate a proportion of the parking requirement within the lean-to section of the barn group, thereby reducing the use of the hardstanding area for such purposes. The proposed parking layout is shown on Drawing 3B. WSCC Highways does not raise objection to this arrangement.

8.7 The use of the hardstanding area for surface parking to the east of the barn group will increase the perception of additional activity being carried on in this part of the conservation area, but it is considered that this must be assessed in the context of the nature of the former agricultural use carried on at the farm and the historic use of the hardstanding for the parking and turning of vehicles as a working farm. The visual impact of the parking is filtered to some extent by existing trees at the eastern end of the hardstanding and on the grassed area to the south. Further, discrete tree planting has been proposed on the southern margin of the hardstanding in order to strengthen the diffusing effect of views of this part of the site from the public realm.

8.8 Again, the effect of the use of this hardstanding for parking of vehicles should be assessed in the context of the fact that other areas of informal car parking are equally visible to public view elsewhere within the conservation area; for example, the area immediately to the east between the junction of a minor lane and the highway, on-street parking and PH car park, which is immediately adjacent to the highway. It is considered that this is part of the accepted character of the village and that the use of this part of the application site for this purpose does not demonstrably harm that character. Therefore - and bearing in mind its function in connection with the agricultural activities previously carried on here - it is considered to have a neutral effect on the character and appearance of the conservation area.

### **Setting of listed buildings**

8.9 Church Farm house and the former garage to Old Parsonage are situated to the west and east of the application site respectively. The setting of Church Farmhouse is in part defined by the presence of the buildings as a farm group, although the immediate setting of the building is more residential in character and is to a degree separated physically from the application building group by enclosing/retaining walls. There is no change to the physical relationship or appearance of the buildings as a result of the use carried on and the level of use is considered to be relatively low-key. It should be noted that the re-use of farm buildings for commercial purposes has previously been accepted here (SO/09/03243/FUL)

8.10 The setting of the garage to Old Parsonage is defined by its relationship with Old Parsonage itself and its siting adjacent to the informal grassed area to the south of it due to a degree of physical separation from the application site through the presence of intervening vegetation and the access lane serving other residential properties to the north west. The use of the application site retains the historic functional character of the buildings and so it is considered that the relationship remains unaltered.

### **Other matters**

Part of the existing barn group and hardstanding area lies within Flood zone 2 of the River Ems, which flows parallel to and adjacent to the highway. The use takes place within the existing buildings and there is no enclosure of the present open area to the east of the buildings. Therefore there is no reduction to the present capacity of the flood plain as a result of this proposal and no increased risk to life. The Environment Agency have been consulted and responded to say that it has no comment to make on the proposal.

## **9 Conclusion**

9.1 It is concluded that the use of the building for B1 and B8 purposes is supported by both local and national planning policies. The present use operates at a relatively low key and the functional character and setting of the buildings that help define this part of the conservation area would be preserved. The local highway network is capable of absorbing the activity associated with this use and it has been shown to operate at a level that does not materially harm the living conditions of nearby residents. Subject to conditions limiting the use of the buildings to those presently carried on, hours of use, provision of car parking and landscaping, the application may be recommended for approval.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

### **1. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans referred to in Consideration of this Application".

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

## **2. Hours of use**

The premises shall not be used except between the hours of 08:00 to 16:15 Monday to Friday and at no time Saturday, Sunday, bank and other public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties.

## **3. Delivery hours**

No deliveries shall be taken to or despatched from the site outside of the hours of 08:00 and 15:30 Monday to Friday nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties.

## **4. Car parking provision**

Within two months of the date of this permission, the car parking has been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

## **5. Additional planting**

In the first planting season following the grant of this permission, trees and shrubs of species to be approved by the Local Planning Authority have been planted along the southern margin of the hardstanding. In the event that any such trees or shrubs die or become seriously damaged or diseased within a period of five years following planting they shall be replaced in the next planting season with others of similar size and species.

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

## **6. Use limitation**

The building shall be used for the assembly, testing, packing, storage and distribution of centrifuges and for no other purpose (including any other purpose in Classes B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

### **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

### **14. Proactive Working**

14.1 In reaching this decision the SDNPA has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Derek Price  
Tel: 01243 534734  
email: dprice@chichester.gov.uk

Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents Relevant planning history, CDLPFR 1999, South Downs Management Plan, Draft South Downs Local Plan 2015, NPPF, NPPG

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location plan	1A		22.12.2016	Superseded
Plans - Block plan	2A		22.12.2016	Superseded
Plans - Proposed site plan	3A		22.12.2016	Superseded
Plans - Location plan	1		12.10.2016	Superseded
Plans - Block plan	2		12.10.2016	Superseded
Plans - Proposed site plan	3		12.10.2016	Superseded
Plans - Floor plan	4		12.10.2016	Approved
Plans - Location plan	1	B	24.03.2017	Approved
Plans - Block plan	2	B	24.03.2017	Approved
Plans - Proposed site plan	3	B	24.03.2017	Approved

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

# Agenda Item 14

Report to	<b>Planning Committee</b>
Date	<b>26 April 2017</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>SDNP/16/04284/FUL</b>
Applicant	<b>Mr C Lucking</b>
Application	<b>Change of use of existing golf club car park to lorry park (sui generis).</b>
Address	<b>Osiers Farm London Road Petworth GU28 9LX</b>

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**Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

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## **Executive Summary**

### **Reason for Committee referral: Parish objection - Officer recommends PERMIT**

The application is to re-use the existing car park associated with the former golf club as a lorry park for up to four vehicles and two trailers. Both national and local policies support economic diversification in the rural area and this proposal is considered to result in a reasonable, low-key re-use of the site, which would not have a detrimental impact on the character, appearance or special qualities of the South Downs National Park. The traffic and highway safety implications of the use have been carefully assessed by West Sussex County Council, who are satisfied that the access is capable of accommodating the HGV movements.

## **1 Site Description**

1.1 The application site is situated on land forming part of Osiers Farm, which is located approximately 3.6km north of Petworth to the east of the A285. Access to the site is via a semi-metalled single track road serving the farm as well as the farm house and cottages.

1.2 The site comprises a roughly rectangular area of hardstanding approximately 685 square metres in extent located on the north side of the access track within the southern margin of a mature block of woodland. The site was originally permitted as the car park to the former golf course created on Osiers Farm in 1989 and subsequently extended into an 18-hole course in 1992. The golf course has been closed for a number of years and the land reverted to agriculture, although the car parking area remains.

1.3 The surrounding landscape comprises gently undulating pasture, with dispersed blocks of woodland, including the one in which the car park is situated. To the south east of the site is the former golf club house, which was recently the subject of SDNP/16/05377/FUL, which permitted the change of use of the building to B1(a) offices.

## **2 Proposal**

2.1 The proposal is the change of use of the former golf club car park to a lorry park. The applicant currently operates two tractor units, which currently have access to four trailers plus two rigid bodied HGV's under the terms of the operator's licence..

## **3 Relevant Planning History**

PW/20/89 - C/U from agriculture to 9-hole golf course. PERMIT

PW/56/90 - C/U from agriculture to golf driving range. PERMIT

PW/48/91 - C/U from agriculture to golf course (amendments to PW/20/89). PERMIT

PW/10/92 - C/U of 55 of acres from agriculture to golf course. PERMIT

## **4 Consultations**

### **WSCC Highways - CDC**

The car park is situated off the A283 London Road, via a private road leading to Osiers Farm and Petworth Golf Club, also shared by a public right of way (645). The site is currently used as a car park by Petworth Golf Club however this is no longer required and the applicant proposes to use the area for a HGV park for up to 8 HGV'S. WSCC offer advice.

The use of the site for HGV storage would need to be checked with swept path diagrams to ensure the site can be used safely; but the access road leading to the parking area does appear to be wide enough to take two cars. It would also be useful to understand what the forward visibility would be from the A283 for cars travelling towards the access and how much room a HGV will use within the road to safely manoeuvre from the access onto the highway.

The local planning authority may wish to condition the number of HGV's at the site to ensure this limits the number of trips. 8 trips per day would not be considered severe in highway capacity terms so we would raise no concerns from a capacity point of view, but swept path diagrams and forward visibility requirements for a 60mph 'A' road should be met to ensure the access can accommodate this use safely.

### **Further comments following receipt of technical note re visibility and swept path analysis**

All the additional information provided shows the access is more than acceptable to cope with the HGV movements, and therefore no further information is required.

### **Parish Council**

Petworth Town Council's Highways, Traffic and Planning Committee object to this application because we are very concerned about safe access to and from the A283 by up to 40 - 44 ton lorries in potentially large numbers. We would like more information on the quantity and size of vehicles involved and to ask WSCC Highways Authority for their views and comments prior to any decision being made.

### **Further comments following receipt of additional information**

Objection.

Our concerns have not been allayed. None of the information provided has convinced us as to the merit of this application. Our major concerns are with regards to the speed of the traffic on the A283 coupled with slow moving vehicles, which will be swinging out on to the carriageway of the A283, which will create very dangerous situations.

## **5 Representations**

### **1 Third Party support**

This entrance has previously been used for large agricultural equipment and lorries collecting Corn, milk tankers, etc.

Would not be detrimental to highway safety

Less frequent activity than previous use as golf club

Support for the local economy

Would not be contrary to purposes of the South Downs National Park..

The car park site is visually contained and only limited views possible.

### **Agent's supporting information**

The operator's licence for the applicant (Brookland Transport) presently allows for up to four vehicles. This is currently for two 44 tonne truck units which currently have the use of 4 trailers, plus two 32 tonne rigid units.

Current site is located at Kings Pit Lane to the east of Petworth on the junction with the A283 but the landlord's commitments for this site no longer make it viable.

While the majority of the time the lorries will leave the site in the morning and return in the evening within sociable working hours, it is not uncommon that a lorry will be required at night time as their clients, such as Network Rail, operate on a 24 hour basis. Lorries may also be off site for a couple of days. The trip generation of 8 trips/day is taken as a worst-case scenario.

Majority of their full time staff live within Northchapel.

Visibility and swept path analysis show that access onto the A283 is in excess of required standard and that forward visibility of approximately 300 metres approaching the site access itself would ensure no conflict will arise with existing road users. This is aided by the fact that all the vehicles have a forward control driving position

Internally, swept path analysis for the parking area demonstrates that vehicles can manoeuvre safely in and out.

## **6 Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Building a strong, competitive economy
- NPPF - Supporting a prosperous rural economy
- NPPF - Requiring good design
- NPPF - Conserving and enhancing the natural environment

The following paragraphs of the NPPF are considered relevant to the consideration of this application:

7, 14, 17, 18, 19, 32, 109, 115.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

- RE1 - Development in the Rural Area Generally
- BE11 - New Development
- TR6 - Highway Safety

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1
- General Policy 50

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

SD5 – Landscape Character  
SD8 – Relative Tranquillity  
SD43 – Public Realm and Highway Design  
SD47 – Farm Diversification

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

8.1 The main issues in relation to this application are considered to be the effect on highway safety and the effect of the proposed use on the character and appearance of the South Downs National Park.

### **The effect on highway safety**

8.2 The site is accessed from the A283 London Road to the west of the site. The single carriageway road at this point is subject to the national speed limit of 60 mph and the road markings indicate that overtaking is prohibited when approaching the access from the north of the access and also when approaching it from the south. Visibility is good in both leading and trailing directions and is in excess of the required standard of 215 metres.

8.3 The applicant has provided additional information regarding the number and frequency of vehicles proposed to use the site. For the majority of the time the applicant has advised that lorries will leave the site in the morning and return in the evening within sociable working hours. However it is not uncommon that a lorry will be required at night time as their clients, such as Network Rail, operate on a 24 hour basis. It is also the case that lorries may also be off site for a couple of days. Therefore due to the client's operations and the size of the site, generally it is foreseen that a maximum of 8 HGV's totalling 8 trips per day would be using the site but this figure is taken as a worst-case scenario. The applicant has also provided technical data in respect of access visibility and a swept path analysis in response to the initial consultation response from WSCC Highways.

8.4 WSCC Highways has analysed the additional information and technical data submitted in support of the application and in the context of the small scale nature of the proposed use and limited vehicular movements, it is concluded that the access is more than acceptable to cope with the HGV movements. The Town Council's continued concerns about the potential safety implications of using this access are acknowledged but in the light of the fact WSCC Highways does not object to the proposal a refusal on highway safety grounds cannot be sustained.

### **Effect on the character and appearance of the National Park**

8.5 The site occupies a relatively secluded position, surrounded on three sides by established woodland. The site was previously in use for parking for up to 40 cars in association with the former golf club, a commercial activity considered to have been acceptable in this location. Visually, the site is well-contained and the presence of a limited number of HGV's and/or trailers proposed by this application is not considered to undermine the rural character or appearance of the surrounding area.

8.6 The movement of vehicles to and from the site will inevitably result in some localised disturbance. However, in light of the limited use that is proposed, this would be relatively infrequent and in the context of the previous lawful use of the site would not be detrimental to the general perception of tranquillity that the area benefits from, notwithstanding the close proximity of the A283.

## 9 Conclusion

9.1 The proposed change of use of the site from the former golf club car park to a lorry park would not result in harm to the character or appearance of the National Park in terms of disturbance through noise, activity or visual impact by virtue of the limited scale of the use and secluded nature of the site. It is considered that the potential for future intensification of activity can be adequately controlled through the use of appropriate conditions.

9.2 The highway safety implications of the proposed use have been carefully assessed by WSCC Highways, which is satisfied that, given the low-key nature of the proposals, the access on to the A283 is more than capable of handling the type and level of traffic generated by the proposal without demonstrable harm to the safety or use of the highway network.

## 10 Reason for Recommendation and Conditions

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

### 2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans referred to in Consideration of this Application".

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

### 3. Maximum number of HGV's/trailers

No more than four HGV's and four trailers (or combination thereof) shall be parked on the application site at any one time unless agreed by way of an application to the SDNPA on that behalf.

**Reason:** To ensure that a more intensive use of the site does not have an adverse impact on the character or appearance of the National Park or on highway safety.

### 4. Operator restriction

The use hereby permitted shall be carried on by the applicant, Brookland Transport Ltd, Osiers Farm London Road Petworth West Sussex GU28 9LX only and no other operator.

**Reason:** The SDNPA have had regard to the scale and nature of the applicant's business and are satisfied that the proposed level of use and activity described would not result in an adverse impact on the character or appearance of the South Downs National Park and would therefore wish to exercise control over future use of the site for such purposes.

### 5. Refrigeration/chiller units

No refrigeration or chiller units (either associated with the tractor units, trailers or free-standing) shall be operated on the site at any time.

**Reason:** To ensure that the use of the site does not have a detrimental impact on the character or tranquillity of the area.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

In reaching this decision the SDNPA has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

ct Officer: Price  
534734  
@chichester.gov.uk

indices  
index 1 - Site Location Map  
index 2 – Plans Referred to in Consideration of this Application

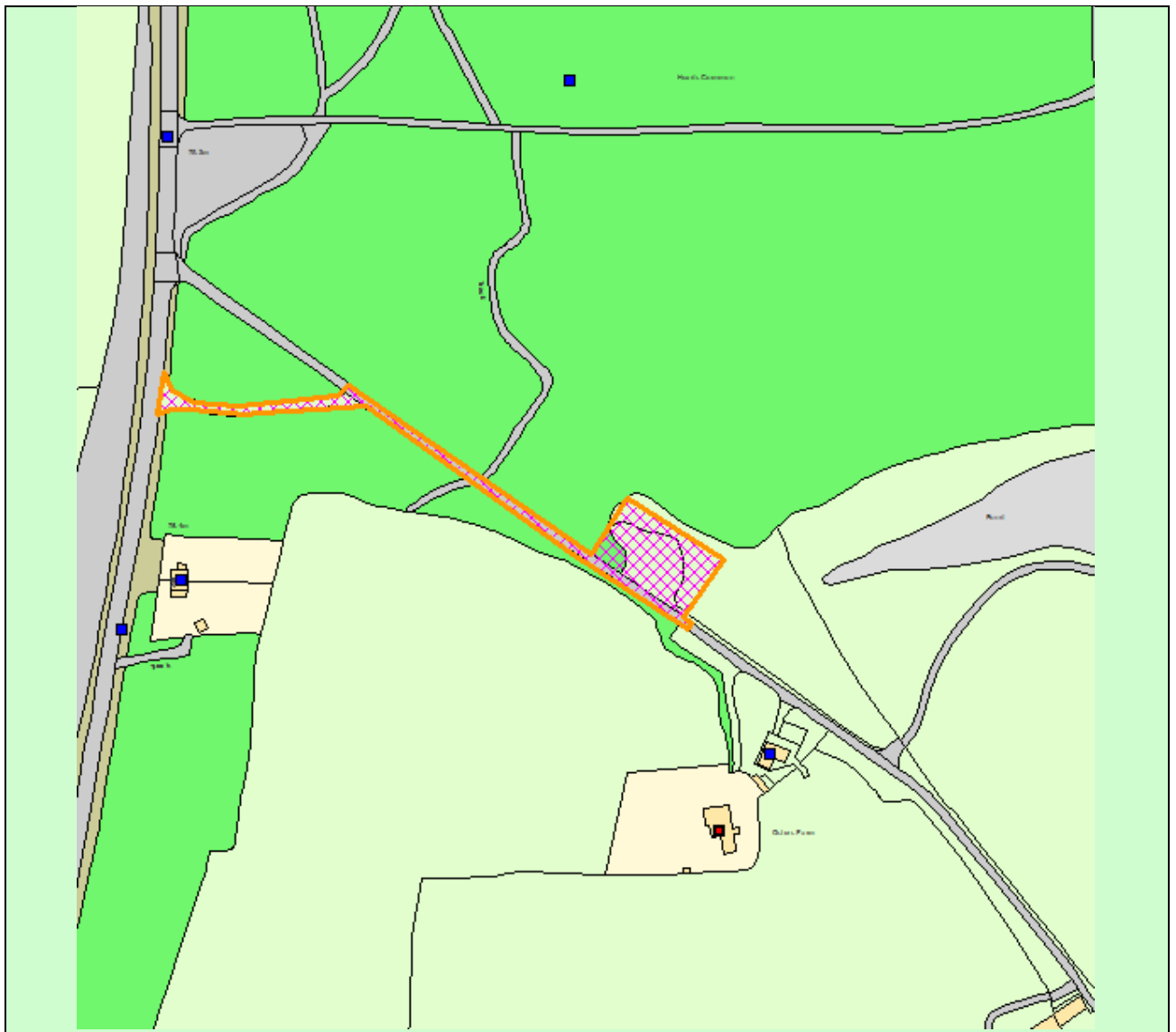
SDNPA Consultees

Background Documents Relevant planning history, CDLPFR 1999, South Downs Management Plan, Draft South Downs Local Plan 2015, NPPF, NPPG



## Appendix 1

### Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site section	PWRU373401		06.09.2016	Approved
Plans - Location plan	001		25.08.2016	Approved
Plans - Existing site plan	100		25.08.2016	Approved
Plans - Proposed site plan	110		25.08.2016	Approved
Reports - Technical Note on visibility splays and swept path analysis (November 2016)	GDB/4931/TN. 1		23.11.2016	Approved

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

Report to **Planning Committee**  
Date **26 April 2017**  
By **Director of Planning**  
Local Authority **Chichester District Council**  
Application Number **SDNP/16/03715/FUL**  
Applicant **Mr Dan Roycroft**  
Application **Erection of 3 no. dwellings. Retention of existing dwelling. New access via Common Road to serve existing dwelling and 2 of the new dwellings, retaining the current access point to serve the remaining new dwelling. Associated works and hard and soft landscaping.**  
Address **Orchard Barn Common Road Funtington Chichester West Sussex PO18 9LG**

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**Recommendation:** That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

**IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.**

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## **Executive Summary**

**Red Card (Cllr J Tassell) - member has information or an opinion, which she wishes to raise in debate**

**Parish objection - officer recommends PERMIT**

The application site lies within the Settlement Policy Area for Funtington, where there is a policy presumption in favour of development. The revised scheme has had regard to the location within the designated conservation area and the setting of the adjacent listed buildings in terms of scale, layout, form and appearance and is considered to be an appropriate and sensitive response to the particular constraints found within the site. Particular consideration has also been given to the effect of the proposed development on highway safety resulting from potential traffic generation and on residential amenity.

On balance it is considered that the proposal is an acceptable form of development and there is no material conflict with the relevant Development Plan policies referred to above, the statutory duties of the Act, the policies of the NPPF or the purposes of designation of the South Downs National Park.

## **1 Site Description**

1.1 Orchard Barn is a substantial detached two-storey property located on the eastern side of Funtington village constructed in the 1970's. The dwelling is sited on the eastern side of extensive, well-maintained mature gardens to the north and west of the building. A hard surface tennis court occupies a large part of the site toward the western side of the garden, with a young orchard and vegetable garden in the north-west section. Part of the garden is sub-divided by mature hedges. Adjacent to the western side of the existing house is a large detached triple

garage building and extensive gravelled turning/parking area. The site as a whole was previously part of the grounds to Funtington Hall.

1.2 The boundaries to the site are generally well screened, with mature hedging and shrub planting to the east boundary and a notable screen along the north boundary of a double line of mature deciduous trees providing an effective foil to the agricultural buildings of Lynch Farm beyond. The boundary treatment to the west and part south is a little weaker, comprising timber fencing, which allows views of the upper floors of the dwellings to the south west. The site generally appears to have a fall in levels from north to south, although this is more pronounced on the western side.

1.3 Access to Orchard Barn is via a shared drive off Common Road. This drive also services 1 to 4 Funtington Hall, with 1 and 2 being a Grade II listed building. In addition, the wall fronting Common Road to the west of this shared access is also listed Grade II.

1.4 The application site is located within the designated conservation area and a number of trees within the site are subject to a Tree Preservation Order reference FU/71/00518/TPO, including the substantial Sweet Chestnut tree (T1) in the rear garden and the Indian Bean Tree (T4) between the existing house and garage.

1.5 The character of the Conservation Area is largely of historic dwellings flanking Common Road in a linear pattern interspersed with modern infill development. Dwellings on the northern side of the B2146 tend to be larger and in generous plots. In this context the grounds to Orchard Barn are unusually large and comparable in size to that of Funtington House to the south-west.

## **2 Proposal**

2.1 The proposal is for the subdivision of the plot, retention of the existing dwelling (Orchard Barn) and the erection of three individually designed dwellings. The current access will remain as existing but will be used to serve Plot 1 only. A new access point off Common Road is proposed, which will serve Plots 2, 3 and Orchard Barn.

2.2 The original proposal comprised three large detached dwellings concentrated in the western half of the application site. The design and layout has been refined to represent a farmstead-style development, which more closely reflects the semi-rural characteristics of the village. Plot 1 is designed to reflect a traditional two storey farmhouse to be constructed of good quality facing brick under a natural slate roof, which relates to the building styles and materials found elsewhere within the conservation area. The floor plan is 'L-shaped' with the main ridge aligned north east to south west, with a subsidiary rear wing at right angles facing north west. The overall height of the dwelling at 8.6 metres is similar to that of the existing house (Orchard Barn).

2.3 Plots 2 and 3 are located to the north of plot 1 are laid out in the form of a courtyard of traditional converted farm buildings. The western most dwelling is a contemporary interpretation of a traditional threshing barn orientated north-south, with a long 'catslide' roof ensuring a low eaves line facing the west boundary. The overall height is slightly lower than Plot 1 at 7.7 metres. Materials to be used include timber cladding for the elevations under a clay tiled roof. The eastern most unit (Plot 3) takes the form of a converted stable and granary building constructed in brick under a tiled roof. The two units are linked by a single range mainly providing accommodation for garaging. The resulting internal courtyard is to be divided between the two units.

## **3 Relevant Planning History**

SDNP/15/01300/PRE - Formation of new access, demolition of detached garage and erection of 2 detached dwellings, hard and soft landscaping and associated works. ADVICE GIVEN 21.04.2015

SDNP/15/05620/MPO - Discharge of planning obligation of the Section 37 agreement relating to a historic planning permission. APPROVED 29.01.2017

## 4 Consultations

### Parish Council

The Parish Council objects to the application. The access point is positioned in a dangerous location and is considered ludicrous due to the access point joining the highway. The build goes against the South Downs National Park Policy on development in this area. The proposed 3 dwellings is an over development of the site. An accident report on the area has been emailed to the planning department to support this objection. **OFFICER NOTE: this is available to view online**

1. The proposal constitutes over development of the site. At the pre application meeting it was proposed that there should be 2 X 4 bedroom houses whereas the applications for three such properties. Among other things this does raise doubt on the suggested expected traffic movement to and from the site.

2. It is doubtful whether the existing sewerage system is adequate to cope with the proposed additional load which it will be called upon to take.

3. The proposed access ways onto the B2178 Common Road are unsuitable. The existing access way already serves four residential units at Funtington Lodge plus Orchard Barn. The B2178 is narrow at this point frequently rendering it difficult for large vehicles, e,g PSVs, lorries and farm vehicles which currently use the road, to pass. The present access way is on what constitutes a blind corner for vehicles travelling in either direction. There is no footway on the northern side of the road despite there being residential property on that side and, contrary to the application details the road is not illuminated. The proposal to make another vehicular access so close to the existing access to serve a further 3 properties is totally unacceptable.

4. The proposed development is contrary to the recently published SDNP Strategic Housing Policy which makes no provision for further residential development in the Parish.

According to the plan annexed to the planning permission which was granted on 28th May 2004 no. FU/04/01325/FUL the access way which Orchard Barn shares with Funtington Lodge is not within the curtilage of Orchard Barn and remained in the curtilage of Funtington Lodge. The plan on that permission was, presumably, submitted by the then applicant/owner of Orchard Barn, Mr LW Belcher the Parish Council queries the ownership of the driveway and whether the current application form is inaccurate? The planning authority requires further details of access proposals.

Further, the access appraisal is inaccurate insofar as:

(para 1.2) the access to Funtington Lodge is a private drive and not an unclassified road.

(Appendix A) (Light conditions) There are no street lights here or elsewhere on Common Road.

Pedestrians frequently cross Common Road from the footway on the southern side of the carriageway to gain access to and egress from Downs Road and the residential properties on the north side of Common Road abutting the application site.

### Conservation and Design Manager - CDC

#### (To original proposals for three detached dwellings)

I previously supported an approach that provides for a good degree of variation in the design of the buildings, although I was unconvinced with the designs indicated at that time. I suggested referring to existing buildings within the conservation area to inform the architectural approach and recommended that a vernacular rather than overly formal approach using roof forms to minimize the impact of the development on surrounding development as being appropriate.

The current proposals are very different to those originally submitted for advice and appear to create more of an isolated cul-de-sac with an overly suburban character. Two of the properties look almost identical in design and some of the detailing is unconvincing; as a result the proposal looks more like an isolated pocket of development attached to the settlement rather than a logical extension to it. The suburban design of the buildings looks more like they belong in a cookie-cutter housing estate than forming part of a rural village within the National Park.

## **Response to revised design approach - (farmstead)**

I do not have a problem with the concept of a group of buildings comprising a farm house and a couple of buildings designed to look like barn conversions, provided the group have a meaningful relationship with each other - ie as a locally relevant farmstead group. Historically there were groups of farm buildings, often in the form of courtyards on the edge of the village of Funtington.

## **Further comment (on refined plans)**

It follows the advice and would appear to be a reasonable way forward and I would suggest it would be worth working up the designs.

In terms of the individual designs, the farmhouse seems fine - with respect to the barns I would suggest revising at the proportions to better reflect the character of barns locally - the possibility of the upper floors being partly within the roof voids may also help with proportions whilst at the same time reducing the visual impact of the proposed development.

## **WSSC County - CDC**

I refer to your consultation in respect of the above planning application and would provide the following comments.

### **Context**

West Sussex County Council was consulted previously on Highway Matters for this application and has to date provided two formal consultation responses dated 05/09/2016 and 18/10/2016. In conclusion the Local Highways Authority has determined that safe and suitable access can be achieved for both vehicles and pedestrians. It is not considered that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

This consultation response seeks to consolidate the previous formal responses provided and provide additional advice with regard to local representation made concerning highway safety and capacity.

The application seeks the erection of 3 x 4 bed dwellings on land to the north and west of Orchard Barn, Common Road, Funtington. Orchard Barn will be retained as part of the proposal. Common Road is 'B' classified and subject to a 30 mph speed limit at this point, though it should be noted that the speed limit increases to national speed limit circa 150 metres east of the site. The road provides a route between Chichester in the east and Emsworth/Havant to the west and accommodated a range of vehicles from cyclist to farm vehicles. The highway in this location is not lit and a pedestrian footway is located on the opposing (southern) side of Common Road. The site is located on the northern side of Common Road is not served by any existing pedestrian footway link.

The application has been submitted with the support of a document entitled 'Access Appraisal' prepared by JMP Transport Planning Consultants. This was later supported with an additional technical note prepared by JMP Consultants LTD.

### **Access (Existing)**

The existing point of access, which currently serves Orchard Barn and 4 other residential dwellings, will remain unchanged. As a result of this proposal the existing access will serve one of the proposed dwellings but will no longer provide access to Orchard Barn. While there may be some minor fluctuations between trip generation of Orchard Barn and the proposed dwelling these would not be considered significant. In conclusion it would not be anticipated that this application would result in any material intensification of use at this existing point of access. No further assessment of this existing point of access would therefore be required. I would however note that on site it was observed that vehicular visibility at this point of access was severely substandard, particularly to the east. This could be improved with the removal of vegetation overhanging the highway boundary and the location of a brick pier. Should any future applications be made, whereby intensification of use at this point of access would result, the

application would likely not be supported by the Local Highways Authority. Future applications would therefore require improvement to be made and/or demonstration that the access confirmed with current standards and guidance. It is noted that this application would also provide the opportunity to make improvements to this point of access, particularly with visibility to the east.

#### Access (New)

A new point of access is proposed and this will serve Orchard Barn and two of the proposed dwellings. Given this is a new point of access onto a classified road it will be assessed against current guidance and standards. In order to demonstrate that the adequacies of the new point of access accord with current guidance and standards a 7 day automated speed survey has been undertaken by the applicant. Separate speed survey locations both east and west of the proposed access location have been used to determine the 85th percentile wet weather speeds at the approaches to the proposed point of access. I would consider the location of the speed surveys acceptable in determining both the east and westbound vehicle speeds, in relation to the proposed point of access. This is a far more robust way of measuring approaching vehicle speeds and provides a better evidence base for assessing appropriate visibility splays when compared to only performing one survey at the exact location of the new access point.

The speed survey indicated that east bound vehicles were approaching the site at 30 mph, in line with the posted speed limit. A worst case scenario of 39.1 mph was recorded for west bound vehicles approaching the site entering the 30 mph posted speed limit from the national speed limit zone.

Appendix E of the technical note demonstrates that visibility splays of 2.4 x 43 metres and 2.4 x 120 metres can be achieved west and east of the site respectively. These splays are in line with the sight stopping distances of the 85th percentile recorded road speeds. The sight stopping distance calculation method from Manual for Streets has been used for the western splay and a DMRB calculation methodology has been used for the eastern splay. The use of differing calculation methods for opposing directions accords with guidance within Manual for Streets 2 Paragraph 1.3.7 which states "...in rural areas many parts of the highway network are subject to the national speed limit but have traffic speeds significantly below 60mph. Again in these situations where speeds are lower than 40mph, MfS SSD parameters are recommended."

It should also be noted that in reality visibility will extend beyond these splays given the alignment of the carriageway and extent of highways boundary in this location.

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.

#### Pedestrian Access

The applicant has now included a tactile paving dropped crossing provision to facilitate pedestrian movements across Common Road. The provision has been supported with pedestrian visibility splays as shown on drawing ST16190-06. Typically these splays should be drawn with a 1.0 metre x distance, which is slightly less than the 'X' distance shown on ST16190-06. Nevertheless I would accept that appropriate visibility can be provided using highway land to facilitate the safe crossing of pedestrians.

#### Accident Data

I have checked the most recently available verified personal injury accident data and I can confirm there have been three reported accidents within 125 metres of the site within the past three years. 2 were classed as 'severe' and 1 was classed as 'minor'. Having inspected the detail of these accidents there is evidence that a vehicles was traveling in excess of the posted speed limit on this section of road. It is however important to note that none of the accidents involved the use of any of the residential points of access on this section of Common Road. The design and alignment of Common Road was not determined to be a causation factor in any of the accidents.

### Trip Generation & Highway Capacity

In terms of trip generation this application seeks the erection of 3 dwellings. The applicants supporting information suggested that this would result in 14 two way movements over a 12 hour period. Taking into consideration the nature of Common Road this increase in vehicular activity would not be considered material and is well below any threshold for seeking any additional highway capacity assessment.

### Vehicle Parking & Turning

Each of the proposed dwellings will be provided with a double garage and hardstanding area to provide parking for each dwelling. For double garages to be considered as allocated car parking spaces they should measure 6 x 6 metres internally as recommended by the WSCC Car Parking in New Residential Development 2010 document. Nevertheless the garages are only slightly below these measurements. In this instance I would accept that an appropriate quantity of vehicle parking is available to meet the needs of the development but would advise that a separate cycle parking provision is secured via plans and details to be submitted to and approved by the Local Planning Authority.

Vehicle tracking has been provided demonstrating how a large refuse vehicle would use the proposed point of access, turn and leave in the forward gear. These details would be considered acceptable.

### Conclusion

In conclusion the applicant has demonstrated to the satisfaction of the Local Highways Authority that safe and suitable access can be achieved for both vehicles and pedestrians.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. If the LPA are minded to grant planning consent the following matters to be controlled by conditions and informative note would be advised: Access construction, visibility, car parking provision, cycle parking provision, use of garages, turning, pedestrian crossing point and Construction Method Statement. An informative regarding the requirement for a S.278 Agreement of the Highways Act 1980 should be included

## **5 Representations**

48 Third Party objections (includes representations on substitute plans)

### Highway safety concerns

Will add to already significant traffic hazards of this highway

Traffic assessment flawed - applies misleading criteria and fails to take account of local context

WSCC consultation response uses inconsistent guidelines

Additional access point unsafe

Highway subject to speeding

Highway used as through road - likely to worsen in future

Harm to conservation area and setting of adjacent listed buildings (built form and provision of new access)

Contrary to Local Plan policies (conservation, listed buildings and built development)

Overdevelopment and cramped

Loss of openness

Ignores pre-application advice

Unneighbourly

Loss of privacy

Surface water drainage an issue - potential flooding

Loss of trees

SDNPA do not propose further housing for Funtington.



## Agents supporting comments (summary only)

The proposals are for three new detached dwellings within the Funtington Conservation Area. The proposals have been carefully designed to ensure that:

- They comply with Local and National planning policies;
- They preserve what is significant about the character and appearance of the Funtington Conservation Area and adjacent Grade II Listed Funtington Lodge;
- They will not cause material harm to neighbours' amenity;
- They will not pose a risk to highway safety;
- They will not impact the surrounding landscape setting;
- They will not cause harm to any important trees.

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Promoting sustainable transport
- NPPF - Delivering a wide choice of high quality homes
- NPPF - Requiring good design
- NPPF - Conserving and enhancing the natural environment

- NPPF - Conserving and enhancing the historic environment

The following paragraphs of the NPPF are considered relevant to the determination of this application:

7, 14, 17, 32, 49, 53, 56, 60, 61, 64, 115, 118, 128, 129, 132, 134.

It is also necessary to have regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

- BE1 - Settlement Policy Boundary
- BE4 - Buildings of Architectural or Historic Merit
- BE6 - Conservation Areas
- BE11 - New Development
- BE13 - Town Cramming
- H4 - Size and Density of Dwellings
- TR6 - Highway Safety

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1
- General Policy 9
- General Policy 50

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

- SD6 – Design
- SD11 – Historic Environment
- SD22 – Development Strategy
- SD23 – Housing
- SD39 – Conservation Areas
- SD43 – Public Realm and Highway Design

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage

of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

8.1 The application site lies within the Settlement Policy Area for Funtington, where the principle of development is acceptable in policy terms. However it is acknowledged that the amount and nature of development that can be achieved on this site is constrained by the layout of the site itself, its location within the designated conservation area, the presence of listed buildings to the south west and whether the provision of safe and suitable access to the site can be achieved. The key issues to be assessed are therefore:

- 1) Whether the proposed development preserves or enhances the character appearance of the conservation area;
- 2) The effect on the setting of the adjacent listed building;
- 3) The effect on residential amenity;
- 4) Traffic generation and highway safety.

8.2 Integral to the assessment of the first two issues is whether the development would be compatible with the first purpose of designation of the South Downs National Park.

### **Character and appearance of the Conservation Area**

8.3 Funtington is a modestly sized village located at the foot of the dip slope of the South Downs. Existing development comprises buildings of varying style, scale and age (including a number of listed buildings) in a generally linear but relatively compact pattern straddling Common Road (B2146). The historic core of Funtington as a village has a fairly compact form although in places forming a tightly grained, linear pattern along the highway, especially on the south side and extending over the area between the Church and Common Road, with some more recent low density peripheral development (Lynch Down, Admirals Walk and Laxton Meadow, for example). Development on the north side of Common Road is more loosely consolidated, with the existing character of the conservation area informed by irregularly spaced and orientated buildings existing cheek by jowl with each other. This interrelationship between buildings and spaces is considered to be an intrinsic part of the character and overall visual impression of this part of Funtington and is clearly relevant to the consideration of this application.

8.4 The proposed development has been the subject of comprehensive evolution and revision following proactive engagement with officers, including the Conservation and Design Manager. Individually, the proposed dwellings are considered to be of a high quality and sympathetic to the general character of development within Funtington in terms of their form, layout and appearance and use of materials. The form and appearance has been kept deliberately understated in order to reflect a strong reference to the semi-rural character of the village, in line with the advice provided by the Council's Conservation and Design Manager.

8.5 The three dwellings are arranged so that two units in the north west part of the site are linked create a form of farmstead courtyard and are reflective of converted agricultural buildings, with the third, detached unit designed as a traditional farmhouse sited further to the south. The immediate environment to each of the new dwellings and the access is also designed to remain informal, avoiding the use of hard margins and tarmacadam surfacing. The whole arrangement is considered to successfully reflect the irregular spacing and form of buildings, maintaining a subtle a degree of permeability within this part of the conservation area and therefore it is concluded that its character and appearance would be preserved.

8.6 The proposal involves the creation of a new access point onto Common Road approximately 25 metres further to the east of the existing access. The boundary is vegetated along its length, primarily with non-native conifer hedging in poor condition. Nevertheless, the enclosed character of the north boundary of Common Road is acknowledged to contribute to the character of the entry to the village, but is distinct from the characteristic sense of enclosure derived from the presence of the combination of buildings, walls and other boundary treatments found further to the west. The design of the new point of access is to retain the informality of

similar points of access onto Common Road (including the present access) whilst balancing the requirement to provide adequate site lines and visibility. The resultant gap will permit limited public views of Orchard Barn itself, although the new development would occupy a much more recessive location visually within the site.

8.7 It is concluded that the creation of the access would result in less than substantial harm to the character and appearance of the conservation area at this point. However, the formation of the access is considered necessary in the public interest (the provision of safe and suitable access) and therefore in the overall planning balance this aspect of the proposal would have a neutral impact on the wider character and appearance of the conservation area.

### **Effect on the setting of adjacent listed buildings**

8.8 Funtington Lodge is a Grade II listed building located to the south west of the application site, separated from it by an access drive and car parking area immediately on its north side servicing it and three other properties. The property has a distinctive villa-like character, with the significance of its setting derived from the extensive, mature gardens found to the south west of the house. The nearest proposed dwelling to Funtington Lodge is Plot 1, which would be approximately 30 metres away, with Plots 2 and 3 located further into the site.

8.9 The curtilage to Funtington Lodge on the north side is contained by the shared access and parking area, boundary walling and planting and now has little significance to the immediate setting of the listed building. The historical separation of the application site from Funtington Lodge means that there is no longer any intimate visual relationship with Funtington Lodge itself. The nearest proposed unit (Plot 1) has been designed as a two storey dwelling with an informal orientation that presents a narrow profile toward Funtington Lodge, ensuring a subservient presence.

8.10 In a wider context, whilst the amount of built development is to be increased, this is considered to be of a scale, layout and form that will avoid an urbanising impact on the setting of the listed building.

### **Effect on residential amenity**

8.11 The proposed dwellings have been designed and orientated in a manner to limit the prospect of direct overlooking of properties to the west and south. The design of Plot 1 ensures that window openings are limited at first floor level, which in combination with the intervening distance and screening will ensure that there would be no adverse on the amenities or living conditions of adjoining occupiers. Plot 2 is orientated parallel with the west boundary of the site but is designed with an asymmetric roof profile with a low eaves line facing the common boundary with the garden area to 4 Funtington Lodge. The deep catslide has resulted in only ground floor windows and high level roof lights. The modest gable feature positioned centrally on the elevation provides light to the lounge area at ground floor and a gallery landing at first floor, although this this is shown to be screened. Plot 3 is sited furthest away from properties to the south and west and its more subservient form and orientation is not considered to impinge upon residential amenity.

8.12 The setting out of Plots 2 and 3 also takes account of the change in levels from north to south, with the buildings set at the lower level found at the southern end of the site, ensuring that the resultant dwellings are not unduly prominent in relation to existing development.

8.13 It is acknowledged that the presence of additional built form on the application site would alter the north western outlook from adjacent dwellings but that in itself is not considered harmful. The variation in building heights and location of new buildings continue to preserve a sense of spaciousness and informality and would not result in an overbearing or cramped form of development.

## **Traffic generation and highway safety**

8.14 The proposal would result in a net gain of three dwellings within the site. It is proposed to service one of the new dwellings from the existing access point, with the remaining two units and Orchard Barn being serviced by the creation of a new access point to the east of the existing access. A significant level of local concern has been raised with regard to the highway safety implications of this aspect of the proposed development.

8.15 The applicant has produced detailed traffic assessments, including peak hour traffic movements along Common Road and speed surveys. Third parties have questioned the methodology employed by the applicant's consultant in reaching their conclusions and WSCC Highways' acceptance of those conclusions. WSCC Highways' detailed consultation response to both the evidence and third party concerns is set out in full in this report. It should be noted that it is acknowledged that the applicant's statement and conclusions are based on an acceptable methodology and that WSCC Highways has concluded that there are no highway capacity or safety concerns as a result of the proposed development. Therefore In the light of these conclusions, it is considered that a highway reason for refusal cannot be justified.

## **9 Conclusion**

9.1 The application site lies within the Settlement Policy Area for Funtington, where there is a policy presumption in favour of development. The revised scheme has had regard to its location within the designated conservation area and the setting of the adjacent listed buildings and is considered to be an appropriate and sensitive response to the particular constraints found within the site. Consideration has also been given to the effect of the proposed development on highway safety resulting from potential traffic generation and on residential amenity. On balance it is therefore considered the that proposal is an acceptable form of development and there is no material conflict with the relevant Development Plan policies referred to above, the statutory duties of the Act, the policies of the NPPF or the purposes of designation of the South Downs National Park.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

### **2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

### **3. Agreement of materials**

No development shall commence until details, and samples where appropriate, of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Bricks, stone & any other wall facing materials; Brick bonds; Mortar mix and finish; Rain water goods (including their relationship with eaves and verges); Slates, tiles & any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

**Reason:** For the avoidance of doubt and in the absence of these important details from the application

#### 4. **Sample panel**

No development shall commence until a sample panel of new facing brickwork/ stonework/ tiling or other cladding at least one square metre in size has been constructed on site and agreed in writing by the SDNPA. The panel shall be constructed using the proposed facing materials (brick, stone etc), bonds, mortar and finish to joints. The approved sample panel shall be retained on site and available for inspection until the work has been completed. Thereafter, the development shall be carried out to match the standard of workmanship in the approved panel to the satisfaction of the SDNPA.

**Reason:** To ensure that the development is undertaken to an appropriate standard.

#### 5. **Site Levels**

Before development commences details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, shall be submitted to and approved by the SDNPA in writing. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees to comply with Policy BE11 of the CDLPFR 1999.

#### 6. **Access design**

The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

**Reason:** In the interests of road safety and to accord with approved policy.

#### 7. **Completion of highway works**

Before any part of the development hereby permitted is first occupied the access, turning area, and parking and, where applicable, cycle parking areas shall be completed in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

**Reason:** In the interests of highway safety.

#### 8. **Pedestrian Crossing Point**

No part of the development shall be first occupied until such time as a tactile paving dropped crossing point serving the development has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:** In the interests of road safety and provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

#### 9. **Visibility**

No part of the development shall be first occupied until visibility splays of 2.4 x 43 metres to the west and 2.4 x 120 metres to the east have been provided at the proposed site vehicular access onto Common 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.

#### 10. **Tree Protection**

No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

**Reason:** To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

#### 11. **No authorisation of works to protected trees**

Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order.

**Reason:** To clarify the extent of this permission.

#### 12. **Surface water drainage scheme**

Before the development hereby permitted is begun, a scheme showing the proposed means of surface water disposal including all necessary on-site and off site works shall be submitted to and approved by the Local Planning Authority. Before the development hereby permitted is brought into use the approved scheme shall be carried out and completed in full accordance with the details shown in the scheme. The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.

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

#### 13. **No Class A PD rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the conservation area.

#### 14. **No Class E rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority by way of a planning application.

**Reason:** To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area.

## **15. Construction Method Statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) turning on site of vehicles;
- (viii) the location of any site huts/cabins/offices.

**Reason:** To ensure safe and neighbourly construction.

## **16. Landscaping**

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 make particular provision for the conservation and enhancement of biodiversity on the application site.

**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.

## **17. Landscaping implementation**

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.



## **14. Proactive Working**

14.1 In reaching this decision the SDNPA has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Derek Price  
Tel: 01243 534734  
email: [dprice@chichester.gov.uk](mailto:dprice@chichester.gov.uk)

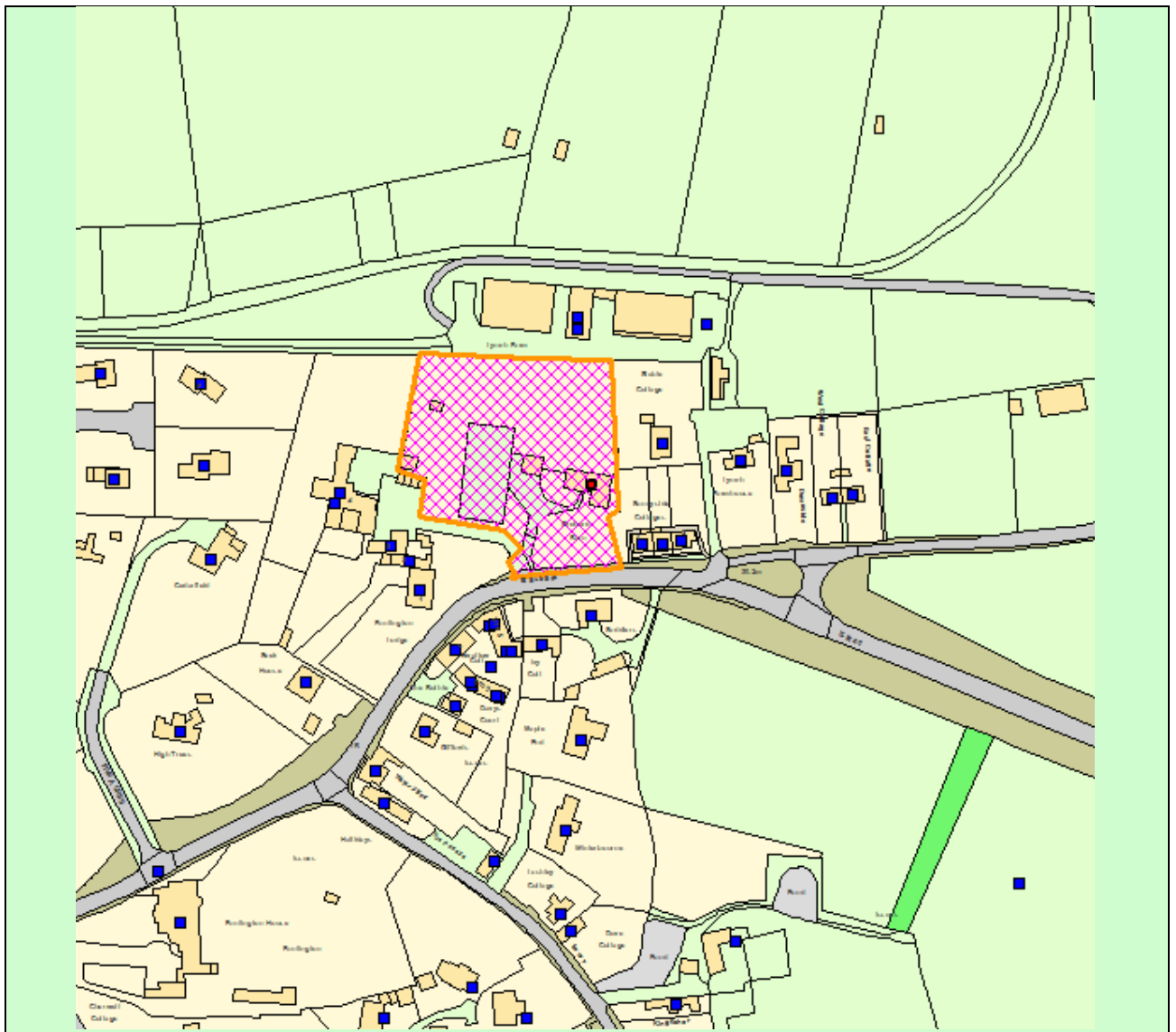
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents Relevant planning history, CDLPFR 1999, South Downs Management Plan, Draft South Downs Local Plan 2015, NPPF, NPPG

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed site plan	192.01		21.12.2016	Superseded
Plans - Plot 1 floor plans	192.02		21.12.2016	Superseded
Plans - Plots 1 elevations	192.03		21.12.2016	Superseded
Plans - Plots 2 and 3 floor plans	192.04		21.12.2016	Superseded
Plans - Plots 2 and 3 elevations	192.05		21.12.2016	Superseded
Plans - Topographical Survey	EX01		09.08.2016	Submitted
Plans - Landscape Proposal Plan	LAN_01		09.08.2016	Submitted
Plans - Proposed Site Layout	516.05/PL01		09.08.2016	Superseded
Plans - Plans and Elevations House no. 1	516.05/PL02	A	09.08.2016	Superseded
Plans - Plans and Elevations House no. 2	516.05/PL03		09.08.2016	Superseded
Plans - Plans and Elevations House no. 3	516.05/PL04	A	09.08.2016	Superseded
Plans - Proposed site plan	192.01	A	02.02.2017	Approved
Plans - Plot 1 floor plans	192.02	A	02.02.2017	Approved
Plans - Plots 1 elevations	192.03	A	02.02.2017	Approved
Plans - Plots 2 and 3 floor plans	192.04	A	02.02.2017	Approved
Plans - Plots 2 and 3 elevations	192.05	A	02.02.2017	Approved

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

## Chichester District Council

PLANNING COMMITTEE

26 April 2017

### LAND WEST OF CENTURION WAY AND WEST OF OLD BROYLE ROAD, CHICHESTER

#### PROGRESS OF THE S106 AGREEMENT AND COMMERCIAL NEGOTIATIONS UPDATE

#### 1. Contacts

##### Report Author:

Joanna Bell, Development Manager (Majors and Business)  
Telephone: 01243 534899. Email: [jbelle@chichester.gov.uk](mailto:jbelle@chichester.gov.uk)

#### 2. Recommendation:

- 2.1 That the Committee notes the content of the report and makes any observations.

#### 3. Background

- 3.1. This report provides an update on:
- the progress of the S106 Legal Agreement in relation to outline planning application 14/0401/OUT for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works (Phase 1), and
  - the progress of the commercial land negotiations in relation to the delivery of the southern access and the future submission of an outline planning application for the second phase of the development on the West of Chichester Strategic Development Location (SDL) (Phase 2).
- 3.2 At the 11 November 2016 Planning Committee meeting, the committee resolved to defer outline planning application 14/04301/OUT to enable completion of the associated S106 Agreement and then to permit with conditions.
- 3.3 In reaching its decision, the Planning Committee were made aware of the Development Delivery Timeline and Planning Performance Agreement (PPA Phase 2) for Phase 2 of the West of Chichester SDL. These documents

indicated the developers' intentions to progress commercial discussions in respect of the phase 2 land as soon as possible with a view to early delivery of the southern access. Early delivery of the southern access, initially as a construction route and then subsequently as a full access road, would minimise the period of time, and therefore the number of dwellings from the phase 1 scheme, served solely by the Broyle Road access. The Development Delivery Timeline indicates commencement of infrastructure development on site in July 2018 with the southern access road being available for construction vehicles during March/April 2020, which would coincide with the delivery of the 120/125th dwelling approximately. The Development Delivery Timeline anticipates that the additional work required to bring the southern access road to a standard necessary for full residential use would take approximately 9 months. The Development Delivery Timeline anticipates availability of the southern access road for full residential use early in 2021, which coincides with the delivery of the 225th dwelling approximately, 2.5 years after commencement of the infrastructure works.

- 3.4 The Development Delivery Timeline and PPA for the Phase 2 development include a target date for conclusion by the relevant parties of the commercial negotiations with the land owners regarding provision of land required to deliver the southern access by July 2017. Leading up to this date, the PPA also includes a number of update meetings with CDC officers regarding the progress of the commercial negotiations. The Development Delivery Timeline outlines that the conclusion of the commercial negotiations would then be followed by the preparation and submission of the outline planning application for Phase 2 of the SDL, together with its determination by the Council as local planning authority and including the southern access.

#### **4. Progress of the S106 Agreement**

- 4.1 Planning application 14/04301/OUT has a Planning Performance Agreement (Phase 1 PPA), updated on 16 January 2017, which sets out the timetable for completion of the S106 Agreement and the issuing of the decision. The Phase 1 PPA states that detailed discussions on the S106 legal agreement were to have been completed by 17 April 2017. However, the comments on the latest draft were only received from the developers on 21 March 2017 and the document is now with officers for comment. It is anticipated that following a review of the latest draft, discipline specific meetings will be set up with officers and the developers in May 2017 to conclude the remaining issues. Subject to agreement being reached on the outstanding issues, it is likely that the final draft will be issued for final comments in June 2017 with completion of the S106 Agreement likely to be towards the end of June 2017, after which the decision notice will be issued. Subject to this timescale being met, this would represent a departure from the expected timeline of 2 to 3 months.

#### **5. Commercial Negotiations Update**

- 5.1 Officers have been advised that the first stage of the commercial negotiations is the receipt by the developers of confirmation from both Bishop Luffa School Academy Trust and West Sussex County Council (WSSCC) that they are content with the broad specification of the proposed southern access scheme

and playing field relocation works to enable commercial discussions to be commenced in relation to the acquisition of the land required to implement the new access road and the proposed diversion of Centurion Way. It is understood that whilst some progress has been made on matters of principle, there will need to be detailed negotiation and agreement between the parties involving both the Chichester Diocese and the Department of Education, whose formal consent will be needed to make any alterations to the boundaries of the existing Academy site. This will all take some time.

- 5.2 It is understood that the developers have been in discussion with WSCC regarding the nature of the commercial terms, the benefitting parties and the approach to negotiation. It is understood that initial discussions do not suggest any major divergence in approach between the parties but that WSCC has indicated that it will need to appoint an agent to act and will be guided by that agent.
- 5.3 It remains the developer's view that by July 2017 it should be possible to reach an in principle agreement on the commercial terms with a view to securing rights to the WSCC and Diocesan owned land required to build the southern access road. However it is likely that the actual exchange of any agreements is now likely to be later than expected.
- 5.4 Depending upon the level of agreement reached and complexity of the outstanding drafting required, the developers have advised that they may be prepared to make a start on preparation of the phase 2 outline application ahead of physical exchange of those agreements necessary to deliver the southern access.
- 5.5 The developers have confirmed their continuing endeavours to bring forward the southern access as soon as they are able.

## **6. Conclusion**

- 6.1 As outlined above, the completion of the S106 Legal Agreement and the subsequent issuing of the planning permission in relation to 14/04301/OUT is likely to be concluded by June 2017. The commercial negotiations are likely to take longer than was anticipated, however it remains the view of the developers that it should be possible by July 2017 to reach an in principle agreement on the commercial terms relating to the acquisition of the land required for the implementation of the southern access road, with the signing of the agreements following on after that. The developers have stated that, in light of the anticipated time required to complete these negotiations and depending on the level of agreement reached, they may be able to make a start on preparation of the phase 2 outline application ahead of exchange of those agreements in order to reduce any delays to a minimum.

## **7. Background Papers**

- 7.1 None

**PLANNING COMMITTEE  
(Wednesday 26<sup>th</sup> April 2017)  
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

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1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report updates the position on those contraventions included on the previous schedule and those cases that have since been authorised. It is not a full list of enforcement cases. From 1<sup>st</sup> April 2012 all new complaints within the national park are being registered on the SDNP system. Those complaints received prior to 31<sup>st</sup> March 2012 will remain on the CDC system until the file is closed.

**Statistics as at 31 March 2017**

2.

<u>Case Numbers:</u>	CDC	SDNP cases (included in CDC figures but remaining on CDC system until closed)	SDNP cases (on SDNP system)	Total
On hand as at last report:	303	6	141	444
Cases received since last report:	104	0	38	142
Cases closed since last report:	108	0	36	144
Current number of cases on hand:	299	6	143	442

Notes

Current number of cases on hand include 114 cases either awaiting determination of a planning application, compliance with an enforcement notice or subject to the appeal process.

3. Breakdown by year

Breakdown of the outstanding cases are as follows:

Outstanding cases logged Pre- SDNP registration	16
Outstanding cases logged in 2012 (CDC System)	6
Outstanding cases logged in 2013 (CDC System)	8
Outstanding cases logged in 2013 (SDNP System)	7
Outstanding cases logged in 2014 (CDC System)	17
Outstanding cases logged in 2014 (SDNP System)	8
Outstanding cases logged in 2015 (CDC System)	55
Outstanding cases logged in 2015 (SDNP System)	21
Outstanding cases logged in 2016 (CDC System)	123
Outstanding cases logged in 2016 (SDNP System)	75
Outstanding cases logged in 2017 (CDC System)	74
Outstanding cases logged in 2017 (SDNP System)	32

4. Performance Indicators financial year 2016/17 CDC area only:

a. Acknowledge complaints within 5 days of receipt (458 complainants) 98%

- b. Time taken to initial visit from date of complaint:
- |                                  |      |
|----------------------------------|------|
| Low within 20 days (258 Cases)   | 93%  |
| Medium within 10 days (95 Cases) | 94%  |
| High with 2 days (11 Cases)      | 100% |
- c. Time taken to notify complainants of action decided from date of complaint:
- |                                  |      |
|----------------------------------|------|
| Low within 35 days (246 Cases)   | 98%  |
| Medium within 20 days (96 Cases) | 96%  |
| High within 9 days (11 Cases)    | 100% |
- d. Notices served within 10 days of authorisation (7 Cases) between 01/10/16 – 31/12/16 100%

5. Performance Indicators are not available for cases within the South Downs National Park

6. Notices Served.

Notices Served:	1 Jan – 31 Mar		Total in FY 2016/17	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	5	3	26	16
Breach of Condition Notices			6	1
Stop Notices				
Temporary Stop Notices	2	1	3	1
Section 215 Notices			3	
Section 225A Notices			2	1
High Hedge Remedial Notices				
Tree Replacement Notice				
Total	7	4	40	19

7. If Members have any specific questions on individual cases, these should be directed to the contact officer, Shona Archer, Enforcement Manager (01243 534547)



**OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK**

<b>CON NO. (Case Officer)</b>	<b>ADDRESS</b>	<b>DETAILS OF BREACH</b>	<b>Date of Notice</b>	<b>COMMENTS</b> EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BY/SDNP/15/00336/COU (Reg Hawks)	Land North of Junction B2138, Bury	Without planning permission the stationing of a mobile home for human habitation	06.08.15	EN BY/22 issued Appeal lodged and conjoined with planning appeal 14/0485/FUL – Public Inquiry (14/15.09.16) additional dates 08/09.12.16 Awaiting PINS decision
BURY/SDNP/16/00691/COU (Reg Hawks)	Land at Foxbury Farm West Burton Lane West Burton	Stationing of any further caravans or mobile homes and any works relating to installation of services and erection of buildings on the land	11.01.17	TSN/47 issued The notice will cease to be in effect on 08.02.17 Notice ceased to be in effect <b>Remove from next list</b>
EN/SDNP/16/00067/OPDEV (Steven Pattie)	Wassell Barn Streels Lane Ebernoe Petworth West Sussex GU28 9LD	Without planning permission the formation of hardstandings, access track and erection of buildings	05.08.16	Enforcement Notice EN/11 issued Appeal lodged – Written statements exchanged. Awaiting a date for an Inspector’s site visit Appeal dismissed with variation. New compliance date 13.09.17
FIT/SDNP/16/00017/OPDEV (Reg Hawks)	Redroof Tripp Hill Fittleworth Pulborough	Without planning permission the erection of a 2 metre high fence	23.09.16	EN FT/8 issued Compliance date 02.02.17 Notice complied with <b>Remove from next list</b>

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	<b>COMMENTS</b> EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FH/10/00560/ EENGNP (Reg Hawks)	Land North East of Court Farm Miggs Lane Fernhurst GU27 3EZ	Erection of a dwellinghouse in the approximate position shown on the attached plan.	05.12.12	EN FH/21 issued Appeal decision received – Enforcement Notice upheld New compliance date of 19.03.14 04.04.14 – site visit revealed non-compliance 04.02.15 – Longer compliance period requested as demolition works are taking place. 28.04.15 – Site inspection revealed structure still standing albeit with no windows and empty. 25.01.16 - Roof dismantled but works to remove the resulting materials from the land halted by poor ground conditions. 30.03.16.- Compliance check revealed no change; 05.01.17 – prosecution papers forwarded to Legal 25.01.17 – authorised to commence prosecution – court date set for 31.03.17 28.03.17 – building removed – further site visit to be carried out to confirm all debris removed from the land. Notice complied with – <b>Remove from next list.</b>

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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 required. 23.04.15 - Officers from CDC and SDNP carried out a full assessment of the property using their powers of entry. 08.07.15 – The SDNPA considers it necessary to take Direct Action 01.10.15 – Meeting with SDNP. Officers have been asked to consider costs associated with carrying out basic works to make good the property as opposed to full repair works and the risks associated with each option. 16.1.16 – works of compliance commenced on site 24.1.17 – works completed and land secured with new fence 4.4.17 – contractor contacted to progress next phase of work – rebuild front boundary wall and paint woodwork
FU/SDNP/16/ 00496/OPDEV (Shona Archer)	Land south of Braefoot, Southbrook Road, West Ashling	Without planning permission, change of use of the land for stationing of a mobile home for the purposes of human habitation	19.12.16	EN FU/63 issued Compliance date 30.07.17 15.03.17 Notice withdrawn. Planning application SDNP/17/00949/FUL pending consideration <b>Remove from next list</b>
HART/SDNP/ 15/00447/ OPDEV (Shona Archer)	Land and Building South of Clarefield Copse Dumpford Lane Nyewood South Harting	Without planning permission for formation of a hardstanding	09.05.16	EN HT/24 issued Appeal lodged – Written Representation. 22.03.17 – Appeal dismissed New compliance date 22.05.17.

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HART/SDNP/ 17/00050/LB (Steven Pattie)	Ship Inn North Lane South Harting Petersfield West Sussex	Cease building operations	26.01.17	TSN/48 issued The notice ceases to have effect on 24.02.17 Remove from next list
HART/SDNP/ 16/00692/LB (Emma Kierans)	East Harting Farm Hollist Lane East Harting	Without consent part demolition of building and erection of extension		11.04.17 authorised to issue LBEN HT/26
KD/SDNP/13/ 00153/COU (Reg Hawks)	Stroods A272 Croucham Lane To Linfold Road Strood Green Kirdford Billingshurst	Without planning permission use of the land as residential garden land in association with the dwelling	19.09.16	EN KD/23 issued Planning application ref: SDNP/14/04141/FUL – refused on 24.03.16. s78 appeal lodged. Written statements exchanged. Appeal dismissed. New compliance date 20.03.17 14.02.17 – site visit revealed compliance with the other than removal of the stone wall forming the vegetable garden. 16.02.17 – letter to the appellant requesting full compliance with this requirement.
KD/SDNP/13/ 00153/COU (Reg Hawks)	Stroods A272 Croucham Lane To Linfold Road Strood Green Kirdford Billingshurst	Without planning permission the erection of a tennis court with a chainlink fence and a greenhouse	19.09.16	EN KD/24 issued Compliance date 31.01.17 Notice complied with. <b>Remove from next list</b>

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LURG/SDNP/ 15/00549/ BRECON (Reg Hawks)	High Hampstead High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX	Breach of condition-not in accordance with the approved plans	03.08.16	BCN LG/12 issued Compliance date 04.11.16 Enforcement held in abeyance pending the outcome of application SDNP/16/04220/LIS
LURG/SDNP/ 14/00479/LB (Reg Hawks)	1 The Quell Cottages Quell Lane Lurgashall	Unauthorised works to a Listed Building		12.10.16 authorised for prosecution proceedings. 06.01.17 – Case heard at Worthing Magistrates’ Court – defendants found guilty. 12.01.17 – Sentencing, fine imposed of £2,000 on the owner and £1,000 on the builder. Costs given in full and split equally between the parties: total costs: £3,323.51 and £1,661.95 respectively. 13.01.17 – LBC application submitted for ‘construction of porch and conservatory, reroofing and replacement tile hanging, reinstatement of missing infill panels, interior finishes and repair and replacement of windows and doors. Repairs to timber frame including structural supports, insertion of limecrete floor and insulation’ under ref: SDNP/17/00020/LIS No further action pending outcome of the application. <b>Remove from next list.</b>
LUR/SDNP/15/ 00361/COU (Reg Hawks)	Old Hearne Farm, Jays Lane, Lurgashall	Without planning permission, the erection of a building and laying of a stone pavement.	16.09.16	EN LG/13 issued Appeal lodged – Hearing procedure conjoined with s78 appeal under ref: SDNP/16/04559/FUL

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LURG/SDNP/ 14/00448/COU (Steven Pattie)	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA	Without planning permission the change of use of the land to use as garden land in association with the dwellinghouse.	16.09.16	EN LG/14 issued Appeal lodged – Written Representations – decision awaited
MID/SDNP/14/ 00463/LB (Shona Archer)	Midhurst Grill 37 North Street Midhurst West Sussex	Without Listed Building Consent the attachment of a plastic banner and lighting units and painting of a shop front	09.06.16	LBEN MI/14 issue Compliance date 20.10.16 23.11.16 – site visit revealed non-compliance with this notice. 13.01.17 – letter to leaseholder with last warning to comply with this notice 01.03.17 – prosecution papers forwarded to Legal Services 22.03.17 – authorised to commence prosecution.
MID/SDNP/16/ 00204/OPDEV (Shona Archer)	Flat 2 Thomand 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 received– Written Representations

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NC/SDNP/14/ 00373/OPDEV (Reg Hawks)	Land west of Stillands Shillinglee Road Northchapel	The creation of an earth bund	22.01.15	EN NC/14 issued Appeal dismissed with variation to compliance period only; New compliance date 20.05.16 6.7.16 - site visit revealed non-compliance; letter before action to be sent. The land owner has requested more time to submit an application to carry out alterations to the shape and height of the bund. 03.10.16 – application made valid ‘part retrospective for part retention of imported material and redistribution to create remodelled earth bund’ ref: SDNP/16/04550/FUL 03.03.17 – application approved and given 6 months to carry out the works. The notice is no longer effective. <b>Remove from next list</b>
SE/SDNP/15/ 00136/OPDEV (Reg Hawks)	Manor Farm Singleton Chichester West Sussex	Without planning permission the creation of a sand school/riding area	05.06.15	EN SE/3 issued Appeal lodged – Written Representation The appeal is dismissed and the notice is upheld but the period for compliance is increased New compliance date of 23.11.16 Application submitted for change of use to riding area SDNP/16/02967/FUL 09.09.16 – application permitted. Works conditioned to commence by 09.01.17 and completed within 5 months following the date of completion. 26.10.16 – letter sent to confirm details of the condition. New compliance date 09.06.17

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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 12.4.17 – a further site visit is required to assess the use of the land at this time.
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 Compliance date 20.08.17 Appeal received - Awaiting PINs start letter
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 Compliance date 13.07.17 Appeal received - Awaiting PINs 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 lodged – Written Representation



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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– Awaiting start letter
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 – Awaiting start letter

## Chichester District Cases:

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BI/14/00270/ CONADV (Reg Hawks)	The Barnyard Birdham Road Birdham	Prosecution for displaying unauthorised advertisements		06.02.17 – sign removed from forecourt, breach ceased. <b>Remove from next list</b>
BI/17/00061/ CONENG (Emma Kierans)	Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex	Engineering operations consisting of hardstanding, laying of services and building work	22.03.17	TSN/50 issued Notice will cease to be in effect on 20.04.17 4.4.17 – assessment of works carried out being undertaken to consider the expediency of taking further enforcement action.
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Prosecution for non- compliance with TSN's 40 and 41 (all owners)		Public inquiry into the refusal of planning permission for a gypsy pitch on the land and the issue of enforcement notices to control the use and development of the land commenced on 7-9 <sup>th</sup> February 2017 and continued over 27, 30 March and 7 <sup>th</sup> April at EPH. A further and final day on 22 May 2017 has been added for concluding the inquiry process
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 Appeal lodged As above
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 Appeal lodged – As above

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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 Prosecution for noncompliance to be considered pending the outcome of the continuing Public Inquiry.
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 Appeal progressing via public inquiry process as above.
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 Public Inquiry continuing as above.
CC/14/00033/ CONADV (Shona Archer)	Heamoor Pizza 9 St Pancras Chichester	Attachment of a fascia advertisement board to the front façade	14.10.14	LBEN CC/124 issued Compliance date 25.01.15 01.10.15 – authority to prosecute obtained 26.01.16 – Defendants did not attend court. Proceedings held in abeyance in order to locate freeholders. 05.04.16 – No known address for the landowners. As a result there is no one to prosecute in this matter as officers have no up-to-date contact details for them. 4.4.17 – Direct action to remove the sign is to be considered

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CC/15/00331/ CONCOM (Shona Archer)	46 South Street Chichester	Without planning permission, the removal of the ground floor shop front doors, bay windows and fascia and the construction of a replacement shop front, fascia panels and insertion of an extractor unit and grill on the north elevation building		EN CC/127 issued Appeal now withdrawn. 28.09.16 - variation in compliance period from 3 to 9 months from date appeal withdrawn whilst application submitted to redevelopment shop front under 16/03681/FUL. New compliance date 12.07.17
CC/15/00409/ CONBC (Shona Archer)	3 Pound Farm Road Chichester West Sussex	Without planning permission the change of use of a garden building to a dwellinghouse	01.08.16	EN CC/132 issued Appeal lodged – Written Representation 21.03.17 – PINs site visit 23.03.17 – Appeal allowed - Enforcement Notice quashed <b>Remove from next list</b>
CC/15/00086/ CONBC (Shona Archer)	Unit 8 Chichester Trade Centre Quarry Lane Chichester West Sussex	Breach of condition in that more than 40% of the net floor area being used for ancillary retail.	02.08.16	BCN CC/131 issued Compliance date 13.09.16 22.9.16 – agent advised that the floor area is for trade only purposes but notes that it is not divided in a traditional 40/60% split 4.4.17 – case reallocated for an officer to assess the expediency of taking further action

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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 18.01.17 – Further evidence to be gathered through Interview Under Caution with occupier 4.4.17 – This case will be reviewed
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
CH/11/00538/ CONBC (Reg Hawks)	Five Oaks Stud Farm, Newells Lane, West Ashling Chichester	Without planning permission erection of a building	07.08.15	EN CH/52 issued Appeal lodged – Written Representation Appeal dismissed New compliance date 20.11.16 12.1.16 – building in process of being lowered in compliance with notice 12.4.17 – site required to assess development at this time

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CH/15/00151/ CONDWE (Reg Hawks)	Land at Cockleberry Farm Main Road Bosham	Without planning permission, the erection of a dwellinghouse	17.08.15	EN CH/53 issued Appeal lodged – Written Representation. Appeal dismissed New compliance date 25.11.16 17.01.16 – use as a dwellinghouse has ceased - continue monitoring to check full compliance with notice Compliance achieved. <b>Remove from next list</b>
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 at Assembly Rooms, Chichester
E/14/00348/ CONCOU (Steven Pattie)	107 First Avenue Almodington Batchmere	Without planning permission, change of use of the land to the storage of caravans, caravan trailers, boats and domestic items	14.12.15	EN SY/63 issued Appeal lodged – written representation Enforcement upheld with variation New compliance date 22.12.16 05.01.17 partial compliance achieved. Continue monitoring to check full compliance with the notice 07.04.17 Letter sent to the owner setting out the outstanding matters.
FU/15/00237/ CONTRV (Shona Archer)	Land south of the Stables, Scant Road East West Ashling	Without planning permission, creation of a hardstanding, deposit of waste and infilling of a ditch	23.07.15	EN FU/59 issued appeal dismissed and EN upheld with the compliance period extended to 6 months providing time for determination of (s.78) appeal under ref: 15/02504/FUL. 07.02.17 – planning application 15/02504/FUL allowed at appeal for use of land by 10 gypsy caravans. <b>Remove from next list</b>

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FU/15/00237/ CONTRV (Shona Archer)	Land south of the Stables, Scant Road East West Ashling	Importing of waste and use and compaction to create a hardstanding	29.07.15	Stop Notice FU/60 issued. As above. <b>Remove from next list</b>
HN/09/00331/ CONENG (Reg Hawks)	Land at Garnet Cottage Hunston Road Chichester PO20 1 NP	Without planning permission change of use of land to the storage of a mobile home and builders rubble and/waste	23.08.10	EN HN/17 & HN/18 issued 04.09.14 – Site visit. Most of the rubble removed means partial compliance with the notice has been achieved. 18.1.17 – letter sent to the landowner/occupier to reassess the personal circumstances involved in this case. 23.02.17 – site visit completed. The owner is now in cared accommodation; the earth bund has reduced in profile and is reseeding. Not expedient to pursue. <b>Remove from next list</b>
HN/12/00216 CONMHC (Reg Hawks)	Garnet Cottage Hunston Rd Hunston PO20 1NP	Change of use of the land to the stationing of a mobile home for the purposes of human habitation	10.01.13	EN HN/20 issued Compliance date 21.08.13  23.02.17 – The mobile home has been relocated and is no longer used for human habitation. <b>Remove from next list</b>
HN/15/00068/ CONBC (Reg Hawks)	Barn North Of Hunston Dairy Farm Hunston West Sussex	Breach of condition – hours of operation	31.08.16	BCN HN/23 Compliance date 01.10.16 Application 16/03286/FUL received for extending hours of operation on Saturdays - pending consideration

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HN/15/00068/ CONBC (Reg Hawks)	Barn North Of Hunston Dairy Farm Hunston West Sussex	Breach of condition – non-implementation of visibility splays	31.08.16	BCN HN/22 issued Compliance date 01.10.16 for details. Then within one month of receiving the Council's written approval implement the plan and details. 28.09.16 – contravener contacting WSCC Highways for advice and may submit application for relief from condition. 18.01.17 – Letter before prosecution sent 23.02.17 – prosecution papers to Legal Services 22.03.17 – authorised to commence prosecution
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 lodged – Public Inquiry – awaiting dates
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 lodged – Public Inquiry – awaiting dates



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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 Compliance date 13.07.17 Appeal received - Awaiting PINs start letter
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 Compliance date 13.07.17 Appeal received - Awaiting PINs start letter
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. 23.06.16 – PINS confirmed a date for the s78 & s174 appeals to be rescheduled for 25-28.04.17 – 03-04.05.17 – Binsbury College, Pulborough

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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 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. 23.06.16 – PINS confirmed a date for the s78 & s174 to be rescheduled for 25-28.04.17 – 03-04.05.17 – Binsbury College, Pulborough
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
SB/14/00313/ CONMHC (Shona Archer)	Land to the North of Marina Farm Thorney Road Southbourne	Without planning permission the stationing of a mobile home for the purposes of human habitation.	20.10.15	EN SB/111 issued Appeal lodged – Hearing 01.06.16 14.07.16 – Appeal dismissed. 27.01.17 – the mobile home has been removed from the subject land and so this notice is no longer relevant. A new case has been opened to deal with the current situation. <b>Remove from next list.</b>

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SB/15/00274/ CONCOU (Shona Archer)	Reedmans Yard Prinsted Lane Prinsted Emsworth Hampshire PO10 8HS	Change of use of the land to a mixed use comprising agriculture and the storage of cut logs, two x touring caravans, a 4x4 vehicle, a derelict car, window frames and doors, waste building materials and four trailers.	03.11.16	EN SB/110 issued Compliance date 15.06.16 16.06.16 – compliance visit carried out. At this there has been an improvement in the condition of the land overall. Further site visit arranged with the Environment Agency w/c 11.07.16 22.9.16 – site inspected. Land is used as a builders yard as approved in 1979; agricultural buildings used to shelter horses; tractor vehicles in the enclosed yard area; cut timber stored in the open to the west of the buildings; no control over what vehicles can access the land or at what time. A green storage tank placed on top of the buildings will be removed. Case to be reviewed with legal services. 13.1.17 – Further PCN issued with covering letter 4.4.17 – no further action has been taken at this time
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 Compliance date 25.07.17 Appeal received– Awaiting start letter
SB/16/00122/ CONHH (Emma Kierans)	Mayfair 20 The Drive Soutbourne	Without planning the construction of a wooden single bay car port building	19.12.16	EN SB/113 issued Compliance date 30.07.17

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SB/16/00331/ CONBV (Reg Hawks)	Thornham House Prinsted Lane Prinsted Emsworth	Without planning permission the construction of a tennis court	12.01.17	EN SB/115 issued Compliance date 23.05.17
SI/14/00397/ CONMHC (Reg Hawks)	Land at Church Farm, Church Farm Lane Sidlesham	Without planning permission, change of use of the land to the stationing of a mobile home for the purposes of human habitation	14.09.15	EN SI/68 issued Appeal lodged – Written Representation Appeal dismissed with a compliance period of 7 months Compliance date of 22.03.17 agreed to be extended by one month to 24.04.17
SI/15/00157/ CONMHC (Reg Hawks)	Land south of Green Lane Piggeries, Ham Lane Sidlesham	Without planning permission, stationing of a mobile home for the purposes of human habitation	13.05.15	EN SI/67 issued Appeal – hearing held 09.02.16. - EN upheld with variation in the time period for compliance; 3 year planning permission granted for 2 no. touring caravans on the site and to build a day room. By 21.4.17 the mobile home, cesspool and track are to be removed from the land
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

<b>CON NO. (Case Officer)</b>	<b>ADDRESS</b>	<b>DETAILS OF BREACH</b>	<b>Date of Notice</b>	<b>COMMENTS</b> EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
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
SY/14/00304/ CONHH (Steven Pattie)	100 Beach Road Selsey Chichester PO20 0SZ	Without planning permission the erection of a fence over 1 metre in height adjacent to a highway	13.05.16	EN SY/65 issued Compliance date 24.08.16 Appeal lodged – Written Representation Notice upheld with variation. New Compliance date of 01.04.17 07.04.17 – Notice complied. <b>Remove from next list</b>
SY/15/00376/ CONADV (Shona Archer)	Unit 2 Sherrington Mews Ellis Square Selsey Chichester	Discontinuance Notice	02.08.16	Discontinuance notice SY/66 issued Appeal lodged – Written Representations
SY/15/00371/ CONCOU (Reg Hawks)	East Beach Evangelical Church 6 Marisfield Place Selsey Chichester West Sussex	Without planning permission laying of hardstanding, ramp handrail, building, cladding gate and fence	27.07.16	EN SY/67 issued. Appeal lodged – Hearing 21.12.16 – appeal held in abeyance pending s106 Unilateral Undertaking specifying obligations to the LPA 25.01.17 – Section 106 planning obligation received which reduces the harm caused by the development to an acceptable degree. 09.02.17 – Enforcement notice withdrawn and appeal no longer proceeds. <b>Remove from next list</b>

<b>CON NO. (Case Officer)</b>	<b>ADDRESS</b>	<b>DETAILS OF BREACH</b>	<b>Date of Notice</b>	<b>COMMENTS</b> EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
SY/15/00341/ CONBC (Shona Archer)	Land North West Of Park Road Selsey West Sussex	Breach of condition – compliance with the construction management plan	05.08.16	BCN SY/68 issued Compliance date 05.09.16 Site visits ongoing to check full compliance with the BCN
SY/17/00032/ CONDWE (Sue Payne)	48 Montalan Crescent Selsey	Engineering operations, hardstanding, laying of services and building works	16.02.17	TSN/49 issued The notice will cease to be in effect on 10.03.17 <b>Remove from next list</b>
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 – Written Representations Appeal dismissed and notice is upheld New compliance date 13.12.16 16.01.17 – letter before action sent to comply by 13.02.17 13.03.17 – no change following site visit. 04.04.17 - Case referred to commence prosecution proceedings
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 with one month compliance following refusal of planning application. 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 lodged against refusal of WE/16/00565/FUL 31.03.17 – appeal in progress

<b>CON NO. (Case Officer)</b>	<b>ADDRESS</b>	<b>DETAILS OF BREACH</b>	<b>Date of Notice</b>	<b>COMMENTS</b> EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WE/15/00134/ CONACC (Steven Pattie)	Land West Of Hopedene Common Road Hambrook Westbourne	Without planning permission, change of use to a car wash business	20.08.15	EN WE/32 issued Appeal lodged – Written Representation Appeal dismissed 4.4.17 use has ceased and works to remove concrete hardstanding has commenced.
WE/15/00363/ CONBC (Shona Archer)	The Woodlands Marlpit Hambrook Westbourne Emsworth	Without planning permission, change of use to the stationing of a mobile home for the purposes of human habitation	03.08.16	EN WE/36 issued Appeal lodged. Hearing – awaiting date
WE/15/00410/ CONHH (Steven Pattie)	Church House Westbourne Road Westbourne	Without planning permission, the erection of a solid metal gate and gate posts, 1.8 metres in height	13.12.16	EN WE/37 issued Compliance date 24.04.17
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 Compliance date 20.08.17 Appeal received - Awaiting PINs start letter

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
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 with the notice
WI/16/00095/ CONWST (Shona Archer)	Old Haven The Street Itchenor	Untidy land and building	01.09.16	S215 Notice WI/13 S215/26 issued Compliance date 29.01.17 12.1.17 – works carried out 23.02.17 – site visit showed notice complied with <b>Remove from next list</b>
WR/15/00038/ CONMHC (Reg Hawks)	Land south of 2 Newfields Newpound Wisborough Green Billingshurst	Without planning permission change of use of land to the stationing of two mobile homes for the purposes of human habitation	03.09.15	EN WR/24 issued 23.03.17 – Notice complied with <b>Remove from next list</b>



## Chichester District Council

### Planning Committee

**Wednesday 26 April 2017**

### 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).

- WR – Written Representation Appeal
- H – Hearing
- I – Inquiry
- FT - Fast Track (Householder/Commercial Appeals)
- ( ) – Case Officer Initials
- \* – Committee level decision

#### 1. NEW APPEALS

Reference/Procedure	Proposal
<a href="#">E/16/01459/FUL</a> WR (C Bartlett)	Dragon Nursery, Third Avenue, Earnley, West Sussex, PO20 7LB - Erection of 1 no. custom/self build dwelling - Alternative to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P. Linked to <a href="#">E/16/02914/FUL</a>
<a href="#">E/16/02914/FUL</a> WR (C Bartlett)	Dragon Nursery, Third Avenue, Batchmere, West Sussex, PO20 7LB - Erection of 1 no. custom/self build dwelling - Replicating change of use to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P but with false pitch roof and roof lanterns. Linked to <a href="#">E/16/01459/FUL</a>

Reference/Procedure	Proposal
SB/ <a href="#">16/00757/FUL</a> WR (C Bartlett)	Thornham House, Prinsted Lane, Prinsted, Southbourne PO10 8HS - Retrospective erection of a tennis court (siting). Changes to boundary of the property and siting from originally approved application 13/03928/FUL.

## 2. DECISIONS RECEIVED

Reference/Decision	
BI/ <a href="#">16/00527/FUL</a> WR (C Bartlett) DISMISSED	Bell Inn, Bell Lane, Birdham, West Sussex, PO20 7HY - Renovation and extension of existing public house to improve existing restaurant and bar areas including the provision of tourist accommodation. Construction of 3 no. detached dwellings and associated works within the grounds of the Bell Inn.
<p>"... The appeal site is well outside the settlement boundary of Birdham .... Assessed against the LP Policies the proposed houses are not in an area where new development is generally supported. Nor do the houses ..... meet an essential rural need. ....The appeal site contains a relatively small 1950s style public house with a car park ..... The remainder of the site is down to grass ..... the large and open grounds of the pub ensure that it fits in reasonably well with the rural character and appearance of its surroundings. The proposed extensions to the public house are relatively modest .... The Council, correctly, takes no issue with this part of the development ... However, the proposed houses would occupy a substantial part of the pub grounds and in comparison with much of the housing in the vicinity would be notably closer together and more open to view. .... Drawing together my views there would be conflict with the development plan in terms of the location of new housing in the countryside and the harm to the character and appearance of the area, including a Conservation Area. I attach substantial weight to this and to the unsustainable location of the site. I attach limited weight to the alleged benefits that would arise from permitting 3 houses ... Thus although some requirements of the development plan would be met the harm I have found with regard to LP Polices 2, 45 and 47 and NP Policies 13, 15 and 1 are overriding. ... However, the harm identified means that there would be conflict with the social and environmental roles to a degree which means that, seen in the round, the proposal would not be sustainable development.</p>	
CC/15/00409/CONBC WR (S Archer) ALLOWED ENFORCEMENT NOTICE QUASHED	3 Pound Farm Road, Chichester, West Sussex, PO19 7PX - Residential occupation of games room. Appeal against enforcement notice.
<p>" The .... building is likely to have been constructed and completed over 4 years before the notice was issued and is considered to be immune from enforcement action. ... I accept that the building ..possess all the essential facilities for separate day-to-day living. However, this in itself is not conclusive as it is necessary to examine the information on how this living accommodation has actually been used and occupied. ... friends and</p>	

family have occasionally stayed in the building when visiting. The Council ...referred to a posting on a Bed and Breakfast website. ... The legal test in this case is whether as a matter of fact and degree a single residential use - namely 3 Pound Farm Road - has become two separate residential uses and two planning units. The leading case is *Burdle v SSE* [1972] 1 WLR 1207. ... A key consideration is whether physically and functionally separate areas have been created. ... Dealing firstly with the physical relationship of the appeal building, it still appears to have a clear physical relationship with the host property. Turning to the way in which the building functions, I do not consider that the use of the modest appeal building (about 16 sq.m. in footprint) as guest accommodation would trigger a material change of use. ... It remains functionally related to the host property and its use as a dwelling and in essence constitutes a residential annexe. ... I conclude that a physically and functionally separate dwellinghouse has not been created. ... I conclude that the appeals should succeed on ground (b). Accordingly the enforcement notice will be quashed. In these circumstances the appeal on the other grounds pursued and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended in respect of Appeal A do not need to be considered. "

[CH/14/03647/OUT](#)

I ( R Jones)  
WITHDRAWN

Land North Of Aviary Close Hambrook Chidham West Sussex - Outline application for 39 no. dwellinghouses and open space.

\* [CH/16/01087/FUL](#)

WR (C Boddy)  
ALLOWED

Moola House, Main Road, Nutbourne, West Sussex, PO18 8RN - Construction of 5 no. dwellings and associated works including access and landscaping.

"... The appeal is allowed and planning permission is granted for the construction of 5 no. dwellings. ... The proposed layout would result in a similar pattern of development to properties in nearby Pottery Lane... The density of development proposed would be somewhat higher ... but not clearly perceptibly so as each property would be provided with garden space around it and a degree of separation between the houses. Moreover, this arrangement would not be out of keeping with the general layout, scale and density of other built form in the wider vicinity. ... From the adjacent fields, the development would be viewed against the backdrop of the built form of Nutbourne and would not have a significant impact on the wider landscape. ... I consider that the development would be generally consistent with the prevailing pattern of development in local area, and would not result in the overdevelopment of the site. ... there would be sufficient scope for a landscaping scheme to soften the development and help to integrate it into its surroundings. ... even if there were significant surface water drainage issues within the site, no substantive evidence has been provided to indicate that it would not be practicably possible to adequately drain the proposed development, or that it would increase flood risk elsewhere.... I am satisfied that a pre-commencement drainage scheme condition... would reasonably address the matter in this case and that the development would therefore not be likely to increase the risk of flooding at the site or elsewhere. ... the appeal scheme would include adequate parking, access and turning provision... there is no significant evidence that it would be harmful to road conditions in the locality.... The level of vehicle movements .... would be limited and would not be likely to materially affect air quality or vehicle noise nearby ... it would be unlikely to have

a significant effect on local services or visitor numbers to the AONB. There would be reasonable separation between the new houses and nearby properties such that no significant harm would arise to living conditions from overlooking, subject to a condition to remove permitted development rights for additional windows in the east, south and north elevations. .... no significant harm to living conditions in relation to overshadowing would arise..... The site is not specifically allocated for housing but lies within the defined settlement boundary, where the principle is accepted. The proposal is for fewer than ten units and is therefore also supported in principle as windfall development by Policy LP1 of the CHNP. Furthermore, there is no substantive evidence before me that the development plan for the area places a cap on the level of housing development to be delivered in identified service villages. ... "

SDNP/15/00447/OPDEV Compton (S Archer) DISMISSED	Land and Building South of Clarefield Copse, Dumpford Lane, Nyewood, South Harting, West Sussex - Creation of hardstanding/car park.
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"The alleged breach concerns an area of hardsurfacing, comprising hardcore topped with compacted scalplings, located adjacent to a public footpath (No. 872). ... The appellant asserts in the grounds of appeal that it was created to provide a turning area. ... I have no reason to doubt that the primary reason why the surfacing was laid was to provide a parking area for anglers. ... I conclude that the development that has taken place is not reasonably necessary for the purposes of agriculture within the unit. ... Accordingly there has been a breach of planning control and the appeal on ground (c) fails. "

<a href="#">SDNP/16/03955/HOUS</a> Easebourne FT (R Grosso MacPherson) DISMISSED	The Old Pump House Henley Old Road Henley Easebourne GU27 3HQ - Two storey rear extension and front porch addition.
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"...If the extension were to be built I consider in respect of (i) that although the tower would still be prominent, its 'new position' towards the middle of the extended building would be somewhat incongruous. Just as important, the extension would fail to integrate with the dwelling... The isometric view from the entrance drive is kinder to the scheme's design because the tower is perceived as retaining a greater prominence. However, even this perspective does not satisfactorily address the extension's poor integration with the host building and the adverse effect on the tower. .... the proposed arrangement clearly fails to complement the existing dwelling. As regards (ii) there would be a similar incongruity, with the tower partly obscured by the extension and almost appearing lost in a plethora of roof forms. Its positive contribution to the building and its surroundings would be significantly diminished by the eye being drawn to the bulk and awkward shape of the extension's roof and the extensive glazing in the north-facing gable... The rear extension would occupy part of the gap between the Old Pump House and the Grade II listed building, and if the block plan is accurately scaled the addition would at its closest be only about 5m from the curtilage boundary and 13m from the building itself.....there is intermediate boundary screening, but all or part of this cannot be relied upon in perpetuity. Accordingly, as the 2 storey extension would be of an inappropriate scale and design it is inevitable that the setting of No. 74 would be harmed, albeit to a limited

<p>degree... On this issue, the LPA's concern is that the first floor windows of the fully glazed north elevation would unduly overlook the rear garden of No. 74. The GOA's response is that the boundary screening would retain privacy and that no objection has been received from the neighbour. However, my comments on distances and screening in paragraph 9 are relevant here, albeit largely because of the increased propensity for overlooking from the two 'Juliet balconies'. In its present form there is conflict with Policy BE11(3) &amp; Framework paragraph 17... I conclude on balance that this particular proposal for an extension to the Old Pump House would be unacceptably harmful for the reasons set out above. The appeal is therefore dismissed..."</p>	
<p><a href="#">PS/16/00562/PLD</a> WR (H Chowdhury) DISMISSED</p>	<p>Newhouse Farm, Shillinglee Road, Shillinglee, Northchapel GU8 4SZ - Construction of single storey outbuilding to be used for purposes incidental to the enjoyment of the dwelling.</p>
<p>'I consider that applying a test of objective reasonableness the proposed building would be of disproportionate size compared to the existing dwelling and would not be subordinate to it. Whilst this is not necessarily decisive it is an important material consideration which weighs against finding the proposal lawful. Additionally I am not persuaded that the studio/office is genuinely required for a purpose incidental to the enjoyment of the dwellinghouse. I have taken account of the fact that the Council have already found that part of the development would come within the terms of Class E of Part 1 of Schedule 2 of the GPDO but the present proposal would add about another 88 sq.m. in floorspace which I find is significant. In cases such as these it remains a matter of judgement but I consider that the present proposal would pass a "tipping point" and exceed what could reasonably be described as development that would be incidental to the enjoyment of the dwellinghouse.'</p>	
<p>SY/15/00371/CONCOU H (R Hawks) WITHDRAWN</p>	<p>East Beach Evangelical Church, 6 Marisfield Place, Selsey, Chichester, West Sussex PO20 0PD - Stationing of a portacabin. Appeal against enforcement notice.</p>
<p><a href="#">SY/16/00373/FUL</a> WR (M Tomlinson) DISMISSED</p>	<p>Tidewall Cottage 85 East Street Selsey West Sussex PO20 0BU - Erection of 1 no. dwelling.</p>
<p>"... It is apparent that visibility splays consistent with the stopping sight distance (SSD) of 43m indicated in the Manual for Streets for a 30mph road cannot be achieved in either direction, even when a reduced 'X' axis from 2.4m to 2m is considered and an offset of 1m from the nearside carriageway edge is allowed for. The local highway authority considers that on this basis maximum splays of 23m and 14m would be achievable. In SSD terms, this would relate to vehicle speeds of 19mph and 12mph respectively. The road is relatively straight and despite the traffic calming effect of nearby parked cars, it seems unlikely to me, including on the basis of my site visit, that traffic would generally travel at speeds as low as that on this section of East Street. No speed survey has been provided to demonstrate that reduced SSD assumptions would be reasonable here, and therefore I consider that it has not been demonstrated that adequate visibility can be</p>	

achieved for the road conditions, or that a reduced level of visibility is justified by the road conditions. The appellant's view that splays of 50m and 23m can be achieved relies on an 'X' axis of just 1m. This would require an average vehicle to have entered the highway before the driver would benefit from such visibility, and I am not satisfied that it has been demonstrated that such a limited 'X' axis would be satisfactory here. While I note that there are several accesses nearby, some of which appear very longstanding, where such a manoeuvre would be necessary, this in itself does not justify the provision of an additional access with significantly substandard visibility. I note that the provision of a turntable would allow cars to be turned mechanically so that drivers could enter and exit the site using a forward gear. I accept that this represents an improvement compared to the previously proposed provision of on-site parking without any turning facility, and I note that this forms the basis of the local highway authority's acceptance of an 'X' axis reduced to 2m. However, I am not persuaded that the provision of the turntable would overcome my significant concerns relating to the substandard achievable visibility. Moreover, while I accept that turntables can provide parking and turning solutions in certain circumstances, they require drivers to manoeuvre carefully onto the turntable and then wait for it to operate. Here, with a very short driveway emerging directly onto the road, using the turntable would be less convenient than simply reversing out of, or in to, the site. In addition, I consider that a planning condition prohibiting such reversing manoeuvres would not be enforceable and the likelihood of long term operation and maintenance of the turntable would be questionable. I conclude that the proposal would be detrimental to highway safety on East Street. It would therefore conflict with adopted Policy 39 of the Chichester Local Plan: Key Policies 2014-2029 (CLP), which among other things seeks to ensure that development would have safe and adequate means of access and internal circulation/turning arrangements.

... "

### 3. OUTSTANDING APPEALS

Reference/Status	Proposal
BI/15/00139/CONSH PI (S Archer) In Progress Adjourned until 22.05.17 CDC Committee Room 2	Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – Access track, hardstanding and fencing. Linked to <a href="#">BI/15/01288/FUL</a> and BI/15/00194/CONTRV
BI/15/00194/CONTRV PI (S Archer) In Progress Adjourned until 22.05.17 CDC Committee Room 2	Land North West of Premier Business Park Birdham Road Birdham, West Sussex - Use of land as a Traveller Site. Linked to <a href="#">BI/15/01288/FUL</a> and BI/15/00139/CONSH



Reference/Status	Proposal
<a href="#">BI/15/01288/FUL</a> PI (S Archer) In Progress Adjourned until 22.05.17 CDC Committee Room 2	Land north west of Premier Business Park, Birdham Road Birdham, West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV and BI/15/00139/CONSH
<a href="#">SDNP/14/04865/FUL</a> BURY I (D Price) Awaiting Decision	Land North of Junction with B2138 Bury Road Bury West Sussex - Stationing of two caravans for human habitation. Appeal against enforcement notice Linked to <a href="#">SDNP/14/04865/FUL</a>
SDNP/15/00336/COU BURY I (R Hawks) Awaiting decision	Land North of Junction with B2138 Bury Road Bury West Sussex - Stationing of two caravans for human habitation. Appeal against enforcement notice Linked to <a href="#">SDNP/14/04865/FUL</a>
<a href="#">SDNP/16/02175/FUL</a> BURY WR (B Stubbington) In Progress	Timberley Farm Bury Common Bury Pulborough West Sussex RH20 1NP - Widen existing farm entrance.
<a href="#">SDNP/16/04313/FUL</a> BURY WR (L Kent) In Progress	Highfield 161 Bury Road Bury Pulborough West Sussex RH20 1NL - Erection of replacement dwelling - revised scheme to that granted under SDNP/15/05945/FUL.
<a href="#">SDNP/16/05456/HOUS</a> BURY WR (J Shore) In Progress	Hollow Farm The Street Bury Pulborough West Sussex RH20 1PA - Construction of outdoor swimming pool and associated changing room building.
<a href="#">CC/16/02363/FUL</a> WR (C Boddy) In Progress	34 Ormonde Avenue Chichester PO19 7UX - Demolition of existing dwelling and erection of 3 no. dwellings, with associated access, parking and landscaping.

Reference/Status	Proposal
CH/14/00399/CONMHC H (R Hawks) Hearing to be held on 6 June – Assembly Rooms Chichester City Council	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Appeal against the stationing of 2 mobile homes (in livery yard) for purposes of human habitation. LINKED TO <a href="#">CH/16/01902/PA3P</a>
<a href="#">CH/16/01902/PA3P</a> H (M Tomlinson) In Progress Hearing to be held on 6 June – Assembly Rooms Chichester City Council	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings. Revised application further to CH/15/02290/PA3P. LINKED TO CH/14/00399/CONMHC
<a href="#">SDNP/15/03654/FUL</a> Elsted & Treyford WR (D Price) Awaiting Decision	Elsted Road Bridge, Fitzhall Road, Elsted, West Sussex - Infill single span bridge with stone and foam concrete to provide long-term structural support to the bridge. Form new embankments to sides of bridge and drainage pipes laid at ground level.
<a href="#">LX/15/00498/ELD</a> I (C Boddy) Awaiting Decision	Beech Farm, Roundstreet Common, Loxwood, Wisborough Green, West Sussex, RH14 0AN. - The siting of a mobile home for the purposes of human habitation independently to Beech Farm House
SDNP/14/00448/COU Lurgashall WR (S Pattie) In Progress	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA - Extension of residential curtilage.
SDNP/15/00361/COU Lurgashall H (R Hawks) In Progress	Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, West Sussex, GU27 3BL - Without planning permission, the erection of a building and laying of a stone pavement. Linked with <a href="#">SDNP/16/04559/FUL</a>
<a href="#">SDNP/16/04559/FUL</a> Lurgashall H (J Shore) In Progress	Old Hearne Farm, Jays Lane, Lurgashall, Haslemere West Sussex, GU27 3BL - Retention of the east barn and its immediate surroundings for mixed agricultural and equestrian purposes. Linked with SDNP/15/00361/COU
NM/15/00375/CONCOU I (R Hawks) In Progress	Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Change of use of barn to residential.



Reference/Status	Proposal
<p><a href="#">O/16/02254/OUT</a> I (J Bushell) Public Inquiry to be held 6&amp;7 June – WSCC at 10am 13&amp;16 June – Chichester Park Hotel at 10am 14&amp;15 June – Chichester District Council</p>	<p>Land To The South Of Oving Road/B2144, Shopwhyke West Sussex - Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure.</p>
<p>PS/13/00015/CONCOU I (R Hawks) In Progress Inquiry to be held on 25<sup>th</sup>-28<sup>th</sup> April &amp; 3<sup>rd</sup>-4<sup>th</sup> May 2017 at Brinsbury College, Pulborough</p>	<p>Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of anaerobic digestion tanks and equipment for importation of waste and export of biomethane. Construction of a digestate lagoon without planning permission. Appeal against enforcement notice. Linked to s78 appeal against refusal of planning permission by WSCC.</p>
<p><a href="#">SY/16/02196/FUL</a> WR (P Hunt) In Progress</p>	<p>Arun Posts Southern Road Selsey Chichester West Sussex PO20 0BD - Change of use of existing ancillary outbuilding to a 2 bedroom dwelling with external alterations, formation of a projecting front gable and new access</p>
<p><a href="#">SY/16/02694/FUL</a> WR (M Tomlinson) In Progress</p>	<p>47 Gainsborough Drive, Selsey, PO20 0HG - 1 no. dwelling.</p>
<p>WE/15/00363/CONBC H (R Hawks) In Progress Hearing to be held on 16 May – City Council</p>	<p>The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Breach of condition 2 to 12/00559/FUL - occupation agricultural. LINKED TO <a href="#">WE/15/03965/FUL</a></p>
<p><a href="#">WE/15/03965/FUL</a> H (C Boddy) In Progress Hearing to be held on 16 May – City Council</p>	<p>The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Retention of 1 no. mobile home to serve the dual purpose of providing a single travelling show persons pitch and a single Gypsy pitch. LINKED TO WE/15/00363/CONBC</p>
<p><a href="#">WE/16/00565/FUL</a> WR (C Boddy) In Progress</p>	<p>Land West Of Jubilee Wood Hambrook Hill North Hambrook West Sussex - Agricultural building, compound and access track.</p>

Reference/Status	Proposal
<a href="#">WE/16/01218/OUT</a> WR (C Boddy) In Progress	Land At Mill Lane Westbourne Emsworth West Sussex PO10 8RT - Construction of 3 no. dwellings.

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

##### Land South of Meadowbank, Wisborough Green, West Sussex

Outline planning permission was granted in 2014 for 25 no. residential dwellings with new access, associated parking and attenuation pond (WG/14/00748/OUT). That planning permission was accompanied by a Section 106 Legal Agreement which, amongst other things, required 10 of the units to be delivered as affordable housing, based on a 70:30 tenure split of social rented to intermediate.

Following the outline consent and, during negotiations on the current reserved matters application (WG/16/02096/REM), the Council received a request to vary the Agreement such that 2 no. 1 bedroom affordable rented bungalows are replaced with 2 no. 1 bedroom affordable rented dwellings. The Council's Housing Enabling Officer raised no objection, as the amendment of the 1 bedroom bungalows to 1 bedroom houses would still meet the affordable rented needs of the Parish. Accordingly, a written variation of the clause relating to the affordable housing mix in the s106 Agreement has been completed.

Members are asked to note the completion of the written variation to the deed.

##### Loxwood Nurseries, Guildford Road, Loxwood, Billingshurst, West Sussex

Outline planning permission was granted in 2015 for 43 dwellings, 2no. retail units, access roads, landscaping and village green (LX/15/02012/OUT). That planning permission was accompanied by a Section 106 Legal Agreement which, amongst other things, required 13 of the units to be delivered as affordable housing, based on a 70:30 tenure split of social rented to intermediate.

Following the outline consent and, during negotiations on the reserved matters application and its subsequent approval (LX/16/02884/REM), the Council received a request to vary the Agreement to provide a revised affordable housing mix. The request sought to keep the same tenure split at 70:30, 10 social rented and 3 intermediate units, but replace 1no. 2 bed intermediate flat with 1no. 3 bed dwelling, and to replace 1no. 3 bed dwelling for social rent with 1no. 2 bed dwelling. The Council's Housing Enabling Officer raised no objection to the variation, as the amendment will ensure the affordable housing remains a 70:30 split of affordable rent to intermediate, and the overall mix of units remains the same as the outline consent.

In addition, the request sought to modify the floorspace standards of the affordable units from those of the Design and Quality Standards of the Homes and Communities Agency, as specified under the Definitions clause, to those of the DCLG National Space Standards.

Accordingly, a written variation of the clause relating to the affordable housing mix and amended floorspace standards in the s106 Agreement has been completed.

Members are asked to note the completion of the written variation to the deed.

## 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

## 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Breach of Enforcement Notices and Stop Notices	Court action is being held in abeyance pending the outcome of the appeal/public inquiry process (see above).

Prosecutions		
Site	Breach	Stage
Berryhill, Miggs Lane, Fernhurst GU27 3EZ	Breach of Enforcement Notice	Prosecution proceedings withdrawn as works carried out to secure compliance.

Prosecutions		
Site	Breach	Stage
Land west of Hopedene, Common Road, Hambrook, Westbourne	Breach of Enforcement Notice	Prosecution proceedings withdrawn as works carried out to secure compliance.

Prosecutions		
Site	Breach	Stage
Barn North of Hunston Dairy Farm	Breach of Condition Notice	Court date awaited.

<b>Site</b>	<b>Breach</b>	<b>Stage</b>
37 North Street, Midhurst	Breach of Enforcement Notice	Court date awaited.

## 7. POLICY MATTERS

NONE