

Public Document Pack

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A meeting of the **Planning Committee** will be held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on **Wednesday 24 May 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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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

The minutes relate to the meeting of the Planning Committee on 26 April 2017 (*copy to follow*).

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 12 (b).

4 **Declarations of Interests** (Pages 1 - 2)

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

- 5 **BI/17/00316/FUL - Rowan Nursery And Pippins Bell Lane, Birdham, Chichester, West Sussex, PO20 7HY** (Pages 3 - 28)
Demolition of existing 2 no. bungalows and construction of 27 no. dwellings (including 7 no. affordable units), access road and associated landscaping.
- 6 **CC/1700167/DOM and CC/17/00166/LBC - 43 North Street, Chichester, West Sussex, PO19 1NF** (Pages 29 - 36)
Rear extension to provide ground floor cloakroom and first floor shower room.
- 7 **EWB/16/00492/FUL - Ashbury, Kimbridge Road, East Wittering, West Sussex, PO20 8PE** (Pages 37 - 50)
Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.
- 8 **FB/16/03464/FUL - Avalon, 22 Halfrey Road, Fishbourne, West Sussex, PO18 8BU** (Pages 51 - 62)
Removal of garage and construction of 1 no. detached one bedroom bungalow with soft and hard landscaping.
- 9 **SDNP/17/01918/TPO - Clock Tower Cottage, Adsdean Park Road, Adsdean, Funtington, Chichester, West Sussex, PO18 9DN** (Pages 63 - 70)
Crown raise by up to 5m (above ground level) and give 0.5m clearance around cables on 1 no. Conifer tree (Western Red Cedar - T4) subject to FU/73/01047/TPO.
- 10 **SDNP/17/01361/FUL - Land of The Old Grange Centre, Bepton Road, Midhurst, West Sussex, GU29 9HD** (Pages 71 - 79)
To retain a solid timber panel site hoarding around the land north of the Grange Road car park.
- 11 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 80 - 92)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **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
- 13 **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

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

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

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

Chichester District Council

Planning Committee

Wednesday 24 May 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)
- Mr L R Hixson – Chichester City Council (CCC)
- 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 S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

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

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

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

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

The following member of the Planning Committee declares a personal interest as a Chichester City Council 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: Birdham	Ward: West Wittering
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BI/17/00316/FUL

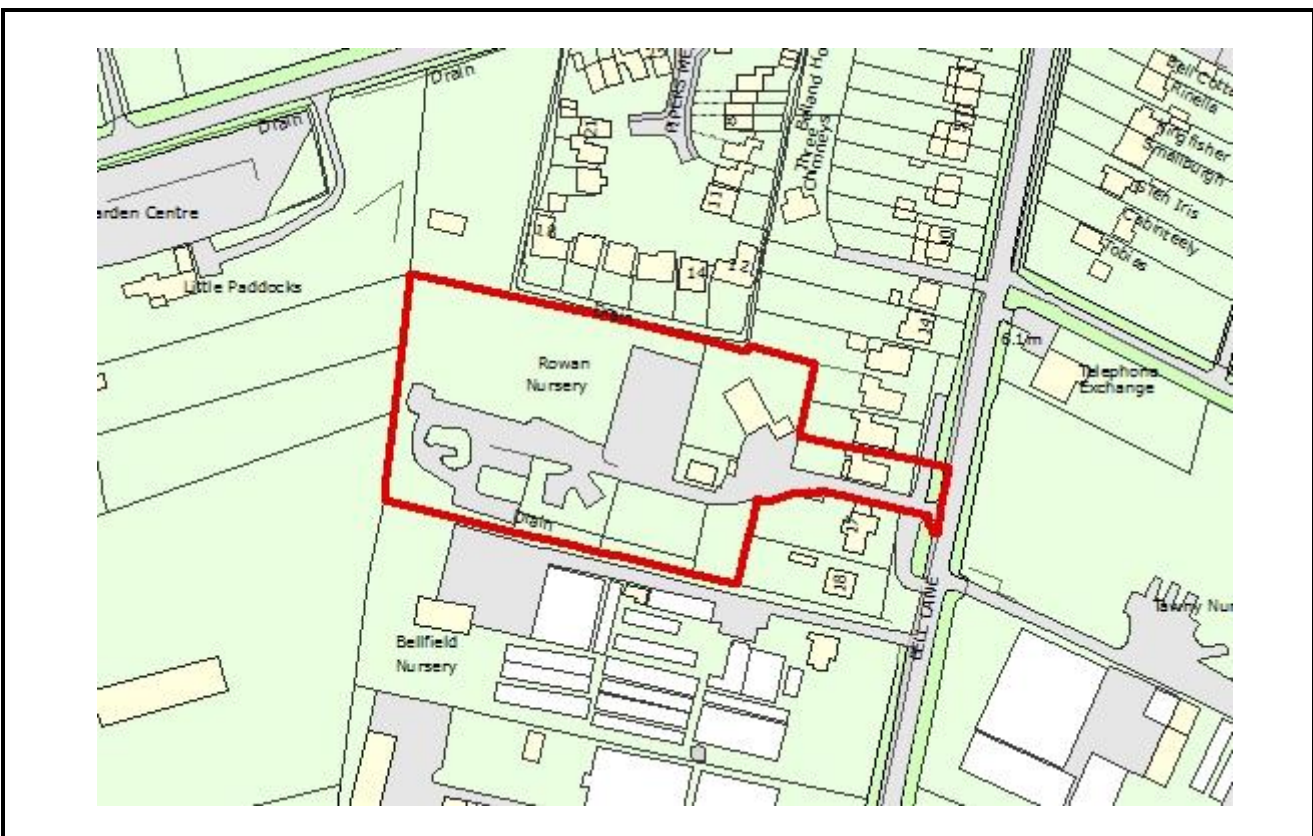
Proposal Demolition of existing 2 no. bungalows and construction of 27 no. dwellings (including 7 no. affordable units), access road and associated landscaping.


Site Rowan Nursery And Pippins Bell Lane Birdham Chichester West Sussex PO20 7HY

Map Ref (E) 481782 (N) 99298

Applicant Mr John Matuszewski (Martin Grant Homes)

RECOMMENDATION TO DEFER for S106 then PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The entrance to the site is located towards the northern end of Bell Lane, approximately 200m south of the roundabout linking to the A286 Main Road. The site is rectangular and is bounded on 3 sides by established vegetation and two group TPOs, one on the west and north of the site. The overall site area is approximately 1.09 hectares, including the site entrance, existing bungalows, caravan site and gardens. The main part of the site is set behind the row of dwellings fronting Bell Lane with the existing access being widened through the demolition of a dwelling, Pippins.

2.2 Pippins, a bungalow, has a frontage with Bell Lane. To the south of Pippins is an access road (approximately 5m wide) which currently leads to the main part of the application site where there is a detached bungalow with associated outbuildings in the north-east corner of the site (28 Rowan Close). The bungalow to the north of the existing site access, Pippins, is included within the application site.

2.3 In the remaining part of the site ground levels are very similar to the surrounding residential development and are particularly flat. As well as the dwellings along Bell Lane to the east, there is further residential development, at Pipers Mead, to the north, screened from the site by mature Monterey Pines and Oak trees, the majority of which are protected by a Tree Preservation Order. A Tree Preservation Order also exists to the west of the site, which covers all of the trees on the boundary. To the south is Bellfield Nursery and the land to the west is open fields.

2.4 The site comprises a large caravan storage area (a use related to the site for almost 40 years), as well as a touring caravan site. The applicant maintains that a nursery is still the lawful use for the land, and there are no planning records to indicate that the touring caravan site has been granted permission in the past.

2.5 The site is located to the south of the historic core of Birdham, with most of the village facilities located to the north of Main Road. In terms of the development plan the site is located within the settlement boundary of Birdham which was revised in the made Birdham Neighbourhood Plan to include this site.

3.0 The Proposal

3.1 This proposal seeks full planning permission for 27 dwellings, including details of access road and associated landscaping. The proposal would deliver 25 net new dwellings with the demolition of two existing properties on the site: Pippins fronting Bell Lane and a dwelling internal to the site, both of which are bungalows. The proposal also includes a widened vehicular access from Bell Lane, pedestrian access to the site and an area of public open space within the site. All properties would not exceed two storeys in height and would be made up of the following mix:

Affordable rented
2 x 1-bed flats
4 x 2-bed houses
1 x 3-bed houses

Market

1 x 2-bed bungalow
4 x 2-bed houses
2 x 3-bed bungalows
9 x 3-bed houses
4 x 4-bed houses.

3.2 The developable site area is 1.09 hectares, which gives an average density of 24.7 dwellings per hectare. The proposals also provide 64 parking spaces, including 10 visitor spaces. The parking would comprise both on plot and garage parking. Secure cycle parking will be provided for each dwelling either within a garage, or a lockable store within the rear garden.

4.0 History

86/00066/BI	PER	Agricultural associated dwelling on intensive agricultural nursery (glasshouses). Dwelling as bungalow.
79/00088/BI	PER	Use of part of land in addition to winter storage for summer storage of caravans approx. 10 vans.
82/00082/BI	REF	All year storage of touring caravans - change of condition no. 2 BI/88/79 from 10 vans to 40 caravans.
13/00284/FUL	PER106	Demolition of existing 2 bungalows and construction of 27 dwellings (including 10 affordable units), access road and associated landscaping. Provision also of an alternative recreational area to the south, accessed via a footpath link.
16/03354/FUL	WDN	Variation of condition 4 of permission BI/13/00284/FUL - prior to the occupation of the first dwelling the vehicular access shall be constructed in accordance with plan ITB7126-GA-001 ref F including the provision of visibility splays.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO

AONB	NO - 1.4km to north
Tree Preservation Order	YES
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council are strongly opposed to this application.

Whilst it is accepted that engineers have examined and passed the drainage proposal put forward by the applicant, no explanation has been given that addresses the height difference between that proposed and the development opposite which uses the same system of drainage.

In addition the design submitted, in the opinion of the Council, does not reflect the local vernacular and gives the impression of a cramped development.

6.2 Chichester Harbour Conservancy

Recommendation - Objection.

The proposed variations from certain conditions and S.106 clauses related to 13/00284/FUL, are considered to have a harmful impact on the adjacent AONB, purposes of its designation and life opportunities of those living/working within and sustaining it. These variations are summarised as cancellation of:-

- o suitable alternative recreational area (SARA),
- o provision of a footpath link to the SARA, and,
- o 3 affordable housing units (on grounds of viability)

The footpath link surfacing and field ditch bridging thereto to link to the approved SARA were approved under application 16/01491/DOC on 29.9.16, in respect of condition 26 to BI/13/00284/FUL.

It is also unclear whether the Solent Recreation Disturbance Project (SRDP) payment of £176/net new dwelling is the financial contribution referred to in lieu of the SASA.

The Conservancy does not agree with this approach and takes a different stance to Natural England. Such an approach seems to also be contrary to the objectives of Policies 52 and 54 of the Chichester Local Plan, which seek to create green infrastructure and promote recreation and healthy lifestyles.

The concept of providing a footpath, was not only to link the SARA to the development site, but also to link to the existing public footpath network, which itself provides an alternative in tandem

with leaflets under condition 19 to 13/00284/FUL for walking dogs away from the Harbour SPA/SAC/SSSI/Ramsar designations there.

That is still a legitimate objective and even if the council is minded to allow non-provision of the SARA under conditions 2 and 27 of 13/00284/FUL and Clauses under Section 12 of the first schedule to the S.106 dated 21 October 2014, the footpath link would at least still tie into the local network of public footpaths, walking people away from the coast.

Finally, in terms of providing for the social and economic well-being of those living in the AONB or close to it, whose working lives could be helping to sustain the natural beauty of the AONB and purposes of its designation, the loss of 3 units of affordable housing is opposed and stands contrary to Policy 12 of the Birdham Neighbourhood Plan.

6.3 Southern Water

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to Paragraph 109 of the NPPF. Alternatively discharge of foul at flows no greater than existing levels if proven to be connected, would not increase flows in the foul system. Evidence should support this type of connection.

Suggested conditions:

- No new development or tree planting should be located with 3m either side of centre line of the foul sewer.
- No new soakaways should be located with 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.
- Development not to commence until a drainage strategy and implementation timetable is agreed

Suggested informative:

- Applicant to enter in to formal agreement with Southern Water to provide the necessary infrastructure required.

6.4 Natural England

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Subject to the financial contribution as required through Chichester District Council's interim policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

6.5 Police

Secured by Design principles have been incorporated into the proposal and are noted in the Design and Access Statement.

It is recommended all perimeter fencing is no lower than 1.8m.

6.6 WSSC Highways

West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed development at Rowan Nursery and Pippins. Consent has already been granted for a development of 27 dwellings at this location, and the current application seeks to alter the housing mix and remove the recreational space to the south. Neither alteration has a material impact on the operation of the local highway network.

A TAD contribution to delivery highway works has previously been sought, but it is anticipated that the CDC CIL Charging Schedule would replace the TAD contribution. No works are required to be secured in a S106. All highway conditions applied to the existing consent should be replicated should consent be granted to the new application.

Works within the highway boundary would be subject to a Section 278 Agreement, and it is anticipated that essential highway works will be retained within the boundary. However, the extent of any adoption required to facilitate access arrangements will be considered at the detailed design phase. It has been identified through preliminary detailed design work that the current piped drainage system in the highway will need to be reopened to a ditch fronting both sides of the development, to ensure sufficient drainage capacity.

6.7 WSSC Flood Risk Management

Modelled surface water flood risk: Low Risk

Modelled ground water flood risk susceptibility: High Risk

Record of historical flooding within the site: No

Ordinary Watercourses nearby: No

Incidents of flooding in other locations in Bell Lane have been reported.

6.8 CDC Environmental Health Officer

Given the use of the land as a nursery and more recently caravan pitches and storage, there is potential for localised land contamination at the site. If any evidence of buried waste is encountered at the site, conditions should be applied in order that a gas risk assessment can be undertaken.

Before demolition of the structures at the site, an assessment of whether any structures contain asbestos should be made. If asbestos containing materials are present at the site the Control of Asbestos Regulations 2012 must be followed with respect to the handling and disposal of such materials.

A transport assessment has been undertaken for the development. It concludes that a small number of additional vehicular trips would be generated by the development (compared to the existing traffic generation). The predicted vehicle flow (Annual Average Daily Traffic AADT) for the development is approx. 200 vehicles per day (an increase over the existing traffic flow of 185 AADT) which is considered not significant and therefore an air quality assessment is not required. However it is recommended that mitigation measures are put in place to minimise the impact of the development on local air quality. The applicant has submitted a Travel Plan which includes measures that will potentially benefit local air quality.

Conditions recommended:

- o Safe and secure cycle storage
- o A welcome pack advising occupants of non car modes of transport in the local area
- o Construction Management Plan which includes a section on dust management.

6.9 CDC Housing Enabling Officer

30% Affordable Housing contribution would be sought on the net increase (25 units) and therefore 7.5 units are required in line with policy 34 of the CLP. The 0.5 of a dwelling could be provided as a commuted sum.

The applicant is proposing to deliver 7 units on site and no commuted sum. The Council's Planning Obligation and Affordable Housing (PO&AH) SPD sets out the formula for calculating the commuted sum and requires the commuted sum calculation to only be applied to all net additional dwellings. Once the calculation is applied it shows that as more than 30% of the total net floor space will be affordable floor space, a commuted sum is not therefore required. Therefore, the proposed affordable housing contribution of 7 units on site is policy compliant.

The applicant is proposing all 7 units as affordable rented.

2x2 bedroom flats

4x2 bedroom houses

1x3 bedroom house

It is requested that the 2x2 bedroom flats are delivered as 2x1 bedroom flats.

The applicant has advised that an RP is willing to deliver all 7 units as affordable rent. In this current climate, where registered providers are generally seeking to deliver more shared ownership properties, this proposal is welcomed, especially taking into consideration that the affordable units delivered at the Tawny Nursery site was a 50:50 affordable rented/shared ownership tenure split. Therefore the provision of all rented would make up the rented units lost on the Tawny Nursery site.

Further comment:

Following my consultation response dated 30th March 2017, the applicant has submitted revised plans to convert units 9 and 10, the affordable 2 x 2 bedroom flats, to 2 x 1 bedroom flats, which the Housing Delivery Team supports.

All previous comments still stand. To conclude the Housing Delivery Team supports this application.

6.10 CDC Archaeology Officer

The heritage desk-based assessment provided with the application concludes that:

The site is considered to have a moderate potential for below-ground archaeological remains associated with a possible Roman road and a putative later prehistoric field system. Groundworks associated with the proposed development are likely to have a negative impact upon any such remains. The true nature and scale of that impact would be dependent upon the form and preservation of any remains present.

Recommended condition:

- o No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority.

6.11 CDC Drainage Engineer

The proposed means of surface water drainage is via attenuation and restricted discharge to the local network of ditches at a rate of no greater than 5l/s. It is proposed that the storage/attenuation will consist of permeable paving.

Following previous discussions between the developer and this department, approval was previously granted for this scheme (in relation to application 13/00284/FUL), on the basis that the improvements detailed in the letter dated 8th April 2013 (included as an addendum to the Flood Risk Assessment submitted for this application) are undertaken. As the surface water drainage information submitted with this new application appear to be unchanged, we remain satisfied that the site can be adequately drained.

Recommend conditions:

- o Full details of the proposed surface water drainage
- o Full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual

Further comment

I have now taken the opportunity to discuss this matter further with Dom Henly (Senior Engineer). In your email below you state that the local Parish Council have objected to the above application's surface water drainage proposal and therefore it will need to be heard at committee.

In response to these comments, we would like to state that; although it is true that the two sites (Rowan Nursery and Tawny Nursery) both ultimately discharge their surface water run-off into the Earnley Rife, their discharge points are at different levels, at the back of their relative sites and on opposite sides of Bell Lane. On the Rowan Nursey site, in order to facilitate sufficient attenuation, combined with a gravity discharge, alterations to the finished ground level were required. No such changes to the finished ground levels were required on the Tawny Nursery site.

Our comments in response to consultation, in relation to a particular planning application reflect our view regarding the technical feasibility of the submitted surface water drainage scheme, for the site in question. We are therefore unlikely to make comparisons with other sites. Ultimately, we are satisfied that the site can be adequately drained and therefore we have recommended that a condition be applied that requires a detailed design to be approved prior to construction. This stance is supported by the fact that a detailed surface water scheme was recently approved under application 16/01491/DOC for a similar proposal on the site.

6.12 CDC Environmental Strategy Officer

Bats

As detailed within the Ecological Impact Assessment the updated Preliminary Roost Assessment (undertaken in Nov 2016) showed there was evidence of bats roosting within the buildings on site. Due to this a further bat emergence survey is required to determine if bats are roosting on site prior to determination.

The bat emergence survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (between May and September) and submitted for our approval with the planning application.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area.

Reptiles

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop on site. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October.

Recreational Disturbance

This proposal will have an in-combination effect on the Solent Maritime SAC in combination with all other residential developments within the 5.6km zone of influence. In line with the Solent Disturbance and Mitigation Project Phase 3 report and Natural England's letter of the 31 May 2013 (below) avoidance measures will need to be secured.

'Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided.'

The preferred method would be to collect a contribution towards the implementation of the joint project outlined in the Phase 3 report. The level of contribution to the interim scheme will be £176 per unit (now £181 per unit). Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

Further comment on the submission of further information

Following submission of the updated 'Bat Mitigation Strategy, Revision B - 07/03/2017 we are satisfied that the mitigation proposed would be suitable based on a high conservation status roost being present onsite. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

6.13 8 Third Party Objections

- o The applicant has no legal right to discharge water in their SUDSs scheme under their control or ownership they are required to serve a notice to land owner and this has not been undertaken.
- o Concern over flooding, particularly in regards of the surface water scheme
- o The viability report has not been disclosed
- o Concern over foul system and capacity
- o Concern over boundary ownerships
- o Inadequate provision of parking within the development, which will result in residents parking on the grass verge
- o Concern for access to existing properties on Bell Lane, prevented by construction traffic.
- o Noise and disturbance for residents whilst development under construction. Site operating hours should be adhered to.
- o The local area was flooded badly in 2012 and this development could make the situation worse and more vulnerable to flooding.
- o Raised level of new road is of concern as it will direct the flow of water towards Byways.
- o The roadway will allow easy overlooking of Byways by drivers and pedestrians despite the height of fencing.
- o The wheel washing was proposed in the previous application to the rear of Byways and there is concern of water flow towards the property.
- o Location of affordable homes is of concern
- o Raising the development will cause flooding to surrounding properties
- o Management of estate and drainage system needs to be clarified and enforced
- o The tree survey is out of date
- o Query of the ability to install tree protection fencing for all of the trees within the TPO area to the north of the site.
- o Loss of habitat with loss of hedgerow
- o Impact on northern drain line

6.14 Applicant/Agent's Supporting Information

The applicant has provided the following documents in support of the application:

- o Design and Access Statement
- o Ecological Impact Assessment
- o Energy Statement
- o Flood Risk Assessment
- o Heritage Desk Based Assessment
- o Interim bat mitigation strategy
- o Enhanced bat Mitigation strategy (with conservation roosts)
- o Transport Assessment
- o Tree Survey

The applicant has amended the application to alter the mix of affordable housing. 2 x 2 bedroom flats have been amended for 1 x 2 bedroom flats as requested by the CDC Housing Enabling Officer.

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 Birdham Neighbourhood Plan was made on the 19 July 2016 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 9: Development and Infrastructure Provision
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 54: Open Space, Sport and Recreation

Birdham Neighbourhood Plan

Policy 3 - Habitat Sites
Policy 4 - Landscape Character and Important Views
Policy 5 - Light Pollution
Policy 6 - Biodiversity
Policy 7 - Integration and Sense of Community
Policy 10 - Footpaths and Cycle Paths
Policy 11 - Village Severance
Policy 12 - Housing Development
Policy 13 - Settlement Boundary
Policy 16 - Housing Density and Design
Policy 17 - Housing Need
Policy 18 - Flood Risk Assessment
Policy 19 - SUDS Design and Management
Policy 20 - Surface Water Run-off
Policy 21- Wastewater Disposal

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), 34 (highways movement and sustainable travel); 49 (Housing and sustainable development, 50 (Delivering a high quality homes), 52 (Delivering housing), 56 (Requiring good design), 60 (Reinforcing Local Distinctiveness), 72 (Appropriate Education Provision), 73 (Access to sport and recreation), 75 (Public Rights of Way), 93 (Environmental Sustainability), 96 (Development to minimise energy consumption), 109 (Enhancing the Natural Environment) and 118 (Conserve and Enhance Biodiversity).

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

Other Local Policy and Guidance

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

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

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
- 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) Background and principle of development
- ii) Appearance of development and the impact on the character of the area
- iii) Housing mix and tenure
- iv) Loss of SARA land and footpath link
- v) Surface Water and Foul Drainage
- vi) Neighbour amenity
- vii) Other matters

Assessment

Background and principle of development

8.2 This is an application which, in many respects, is identical to a previously approved application (13/00284/FUL) which was implemented by a technical start in October 2016. At the time of writing this report no further works have been undertaken on the site beyond that which the Council was notified of in regards to the technical start (new access road and tree protection fencing).

8.3 Application 13/00284/FUL was permitted for 27 dwellings (net gain 25) with 10 affordable housing units (40%), open space, play area and landscaping, along with an additional portion of land (approximately 2 hectares) 300m to the south east of the main site, connected by a new footpath also part of the permitted application. This extra land was required as a Suitable Alternative Recreation Area (SARA) as mitigation to the Chichester Harbour SPA prior to the agreement between Natural England and Chichester District Council for a mitigation package in relation to recreational disturbance. The 2013 application was permitted under the FAD interim planning statement and was given a 2 year planning permission.

8.4 In 2016 an application for the discharge of a number of conditions was received and later approved.

8.5 The principle differences between this proposal and the 2013 permission is that there are three fewer affordable houses, and three additional market units (30% affordable housing) and the removal of the SARA land to the south west of the site and the connecting footpath. During the assessment of this current application there has been an amendment to the affordable housing mix at the request of CDC Housing Officers and a minor amendment to the layout to separate two semi-detached properties. The access and parking arrangements remain the same. The parking numbers accord with the WSCC parking calculator and WSCC Highways raise no concerns to highways safety or visibility in regards to the access.

8.6 Since the previous grant of permission, the Council has adopted the Chichester Local Plan Key policies: 2014 - 2029 and has a 5.7 year housing land supply (published in November 2016). The Birdham Neighbourhood Plan has also been adopted (July 2016). Furthermore the applicant notified the Council in 2016 of its implementation of the 2013 application planning permission by the installation of part of a roadway within their land ownership.

8.7 The legalities of the implementation of planning permission 13/00284/FUL has been questioned by local residents in their representations to this application. Whilst the Council has not received any application for a certificate of lawful development, Officers have investigated this issue and in consultation with the Council's Principal Solicitor, are satisfied that this permission has been lawfully implemented. The permission is therefore considered extant and this is a material consideration when considering the current application.

8.8 In July 2016 the Birdham Neighbourhood Plan was made a formal part of the Development Plan. The Neighbourhood Plan has revised the settlement boundary for Birdham and includes this site within the revised settlement boundary and also identifies this site as a site with planning permission for housing, delivering 27 dwellings (25 net increase) contributing to the Birdham Parish housing requirement of a minimum 50 houses, as set out in Policy 5 of the CLP and policies 12 and 12 of the BNP.

8.9 It is therefore considered that the principle of redevelopment of the site to provide 27 dwellings would be consistent with the Birdham Neighbourhood Plan which identifies this site for housing and that the site falls within the revised settlement boundary where development is to be expected. Weight is also given to the fact that the application site benefits from an extant permission for the same number of dwellings. For these reasons, the principle of housing development on this site is consistent with Policies 2, 5 and 33 of the CLP and Policies 1, 12, 13 and 17 of the Birdham Neighbourhood Plan (BNP).

Appearance of development and the impact on the character of the area

8.10 The new housing is laid out principally around a shared surface arterial road, with three feeder accesses off the main access road to the north. An area of open space is located to the north of the site, adjacent to the access road. The layout of the site is considered appropriate to provide good access and permeability in an attractive form whilst minimising the impact on the existing dwellings.

8.11 The design and layout of the dwellings are largely unchanged from the original approval and the elevations are identical in appearance. The approved scheme (16/04148/FUL) with the same layout was considered in terms of the townscape and landscape character, to form a natural and self-contained extension to the settlement. The only difference in this proposal is that 2 x 1 bedroom flats have been amended following their change from 2 bedroom properties and now have a smaller footprint and also an amendment proposing a semi-detached pair of dwellings to be detached (plots 6 and 7). These changes are considered to be positive, whilst also providing the required affordable housing mix.

8.12 There are 2 groups of trees protected by Tree Preservation Orders along the north and west boundaries. All new dwellings are located outside of root protection areas and the Council's Tree Officer is satisfied that they can be adequately protected during construction, which is recommended to be secured by condition.

8.13 The proposal represents an average of 24.7 dwellings per hectare. Given the proposed developments semi-rural location, where it is visually more important to effect a softer transition from the urban built form to the rural countryside, it is considered that this density is acceptable.

Housing mix and tenure

8.14 Paragraph 34 of the CLP requires proposals to provide 30% affordable housing when the total number of dwellings is greater than 11 net dwellings. 25 net dwellings are proposed as part of this scheme and there is therefore a requirement to provide 7.5 affordable units with the 0.5 of a unit to be paid in a commuted sum. The Council's Planning Obligation and Affordable Housing SPD sets out the formula for calculating the commuted sum, which is applied to all net additional dwellings. As the calculation shows that more than 30% of the total net floor space will be affordable floor space, a commuted sum is not required in this instance.

8.15 As set out in paragraph 3.1, the housing mix in this application proposes an alternative mix to that approved under 13/00284/FUL, which was approved under a different development plan requiring 40% affordable housing. The CLP now requires 30% in combination with CIL. This proposal results in three additional market dwellings and three less affordable units than originally permitted, delivering seven affordable units in total. However, all seven affordable units proposed would be affordable rented. Concern is raised by the Harbour Conservancy that the proposal is contrary to Policy 12 (BNP) due to the loss of 3 affordable units. This is not however correct as the development plan policies does not require the delivery of 10 units but 7 (together with CIL), based on a requirement of 30% affordable housing.

8.16 In relation to tenure, CDC Housing Officers have given weight to the fact that all of the units would be affordable rented. In this current climate, where registered providers are generally seeking to deliver more shared ownership properties due to Government rent reductions, this proposal is welcomed, especially taking into consideration that the affordable units delivered at the Tawny Nursery site was a 50:50 tenure split (affordable rented: intermediate). Therefore, the provision of all rented accommodation in this proposal would help make up the deficit, in policy terms for Birdham Parish, on the Tawny Nursery site.

8.17 The proposal is for 18 market units and the mix of dwellings is slightly inconsistent with SHMA guidance for market units, with two additional three bed units and one additional 4 bed unit than would normally be sought. However, it is noted that the mix is in general conformity with what was proposed in the 2013 approval and that the affordable rented units will be more onerous on the applicant to deliver in terms of cost and for this reason the development not being entirely SHMA compliant is considered to be acceptable in the context of the public benefit of the delivery of 7 affordable rented units.

8.18 In summary on this issue the housing mix is considered acceptable, albeit with a slight deviation away from the SHMA guidance. Significant weight is given to the delivery of 7 affordable units to the area. Overall the proposal would be consistent with both policies 33 and 34 of the CLP and policy 12 of the BNP. The affordable housing mix will be secured through a S106 agreement.

Loss of SARA land and footpath link

8.19 The application site boundary for 13/00284/FUL was larger than shown in this current application, as it included a separate 2ha parcel of land 300m south-east of the housing site with a linking footpath between the two parcels, to provide an area for recreation and dog

walking to off-set the impact of the development on the Chichester Harbour SPA, which lies 1.3km to the north of the site. This additional parcel of land was required at the time in order to mitigate the impacts of the increase in residents on the SPA when Chichester District Council, in partnership with Natural England, did not have an agreed mitigation package in place. There is now a commitment by both the District Council and NE to a scheme of mitigation, as set out in Policy 50 of the CLP and in the Planning Obligations and Housing SPD. A sum of £181 per dwelling (total of £4525 for the 25 dwellings (net increase)) is to be secured through a S106 agreement, consistent with policy 50 of the CLP and SPD. This is considered acceptable by the Council's Environmental Co-ordinator and Natural England.

8.20 However, Chichester Harbour Conservancy has objected to this current proposal because of the loss of the recreation area and connecting footpath, which linked to a Public Right of Way (PROW). The footpath's delivery was requested by the Chichester Harbour Conservancy during the 2013 application and was secured through a S106 agreement to enable access to the recreation area. The delivery of the footpath alone, and its linkage to the wider public Right of Way network was not considered necessary for the acceptability of the development at that time and was not subject to any condition or required to be delivered through the S106 as a standalone element of the scheme. In this respect it should be noted that The PROW that the recreation area would be closest to is currently accessed 400m south of the application site on Bell Lane. There is currently no permissive path to the west of the site.

8.21 Whilst it is regrettable that potential future footpath connectivity would not be assisted as part of this proposal there is now no longer a policy requirement for the delivery of a separate parcel of land with the footpath link to make the scheme acceptable and there are significant financial implications for the developer to do so, mainly through the purchase and long term maintenance of a satellite parcel of land. Consistent with policies in the BNP about connectivity, occupants of the site would be able to access the PROW by the segregated footpath on Bell Lane. There is also a segregated footpath north of the site towards the centre of Birdham where there is a local shop.

8.22 Open space within the development as shown in this proposal is consistent with the requirements of the Planning Obligations and Affordable Housing SPD, without the need for the additional parcel of land as permitted under 13/00284/FUL. Subject to a financial contribution to the Solent Recreation Mitigation and Disturbance Project to be secured via a S106 agreement, this proposal would be consistent with Policy 50 of the CLP.

Surface Water and Foul Drainage

8.23 This proposal utilises the principle of the previous drainage scheme proposed on the site under the 2013 approval, which sees the land raised by 50cm, particularly around the access road, the use of permeable pavements and the flow of surface water to drainage channels on the western and southern boundaries of the site. The raising of the land is required to facilitate a gradient on the flat site and so that sufficient attenuation, combined with a gravity discharge is achieved.

8.24 The 2013 application was permitted with a S106 agreement and subject to conditions which required further details on SUDs and foul drainage. An application for a discharge of condition was received and approved for SUDS in 2016 prior to the developer commencing a technical start on the site (16/01491/DOC). The Parish Council has objected to this application due to the SUDS proposals and concerns regarding flooding as a result of the raised land

levels to facilitate the drainage scheme when a new housing site across from the application site manages their surface water without any increase in land levels.

8.25 Since the approval of 16/01491/DOC the guidance has changed in relation to SUDS, and now requires a 1 in 100 year event plus 40% storage capacity for climate change variance. A condition is therefore recommended requiring the applicant to submit additional details of the capacity of the site (previously 30% now 40%).

8.26 CDC Drainage Officers are satisfied that the site would be able to deliver the required drainage increase (with the addition 10% requirement) and would manage surface water appropriately and not increase the risk of flooding elsewhere from development on the site but the demonstration of drainage calculations and therefore revised drainage plans should be required by condition. As part of the on-going maintenance of the site, a SUDS maintenance manual is required and for works to be undertaken to ensure they are capable of infiltration and attenuation of surface water. The S106 obligations require the on-going maintenance and a notification that the SUDS scheme has been implemented as approved and details are also required by condition.

8.27 With regards to the foul drainage of the site, Southern Water has indicated that there is currently inadequate capacity in the foul sewer infrastructure to accommodate the development. The applicant is required to enter into a legal agreement with Southern Water for the required upgrades and a condition is recommended requiring the details of the on and off-site foul drainage details, including the necessary upgrades, are required prior to commencement. The foul sewage works will be required to be installed prior to the occupation of the first dwelling on site.

8.28 It is considered by Officers that subject to appropriate conditions and securing the on-going maintenance of the SUDS by an estate management company that the issue of sustainable drainage and foul water management would be consistent with Policies 9, 33 and 42 of the CLP and Policies 18, 19 and 20 of the BNP.

Neighbour Amenity

8.29 A number of third party consultee responses have been received in relation to the impact on amenity from the proposed development. Of particular concern is the maintenance of access for properties on Bell Lane, who utilise the shared access point for Rowan Nursery along with noise, flooding and overlooking.

8.30 With regards to the access, the submitted plans show that the new access arrangement would maintain access both north and south off the shared access point, as it is currently, to properties fronting Bell Lane. The concern for residents is the impact on their access rights during the construction phase and the implementation of the agreed access, which would also be subject to a S278 agreement with West Sussex County Council. The timing and details of the access works, together with the construction management plan are recommended to be made subject to a condition to ensure that access is maintained for residents at all times during the construction period.

8.31 Any noise annoyance during the construction phase would be limited to the operational hours of the site which are recommended to be controlled by condition to exclude Saturday afternoon, Sunday and bank holiday working. The development would not harm neighbour amenity in regards of noise beyond the construction phase of the development.

8.32 Flooding has been addressed above (paragraphs 8.23 to 8.27 above). The residents of Byways, directly north of Pippins (to be demolished) are concerned about the flow of water towards their property from the new access road and from the wheel washing during the construction phase. With regards to the flow of water from the access road, although the new access road is proposed to be at a higher level than the existing site levels (raised by 0.5m), the applicant has proposed a permeable surface and a landscape buffer which would allow infiltration of water; furthermore a French drain would be incorporated close to the boundary of the property to also capture surface water flow. A condition is recommended requiring the applicant to submit a construction management plan, which will include drainage during the construction phase.

8.33 The occupants of Byways are also concerned in relation to the loss of amenity from overlooking from users of the road due to the height of the access road. The new access road is proposed to be 0.5m higher than the existing levels to allow infiltration of water, as part of the wider drainage scheme across the site. The current boundary treatment between the application site and Byways is marked by low level (approx. 1m) close boarded fencing, enhanced in some areas with trellis panels above. There are a number of windows in the side elevation of Byways which have an outlook towards the site (southern elevation). A landscaped buffer and 1.8m close boarded fencing is proposed along the boundary of the site and Byways, as part of the new development which is considered sufficient to protect the amenity of the occupants of Byways. Details of boundary protection during the construction phase will be required as part of the Construction Management Plan.

8.34 In summary on this issue, it is acknowledged that there will be some disruption to local residents during the construction phase. However the imposition of conditions concerning a construction management plan and operating hours, appropriate drainage and landscaping will ensure that the proposal does not result in significant harm to residential amenity consistent with Policy 33 of the CLP.

Other Matters

Boundary concerns

8.35 Two representations from third parties querying the site boundary and ownership have been received during the course of the application. The applicant has previously provided their land registration details which confirm the site boundary as submitted and that the drainage and all development would be achieved on land within their control.

Archaeology

8.36 A submitted Archaeological assessment has indicated that there is moderate potential below-ground archaeological remains associated with a possible Roman road and a putative later prehistoric field system. Groundworks associated with the proposed development are likely to have a negative impact upon any such remains. The true nature and scale of that impact would be dependent upon the form and preservation of any remains present. It is therefore recommended that condition requiring a written scheme of investigation to be submitted and is subsequently undertaken.

Ecology

8.37 A Ecological Impact Assessment has been provided with the application with a further roost assessment, which indicates evidence of bats roosting with the buildings on site. An enhanced Mitigation Strategy was submitted during the course of the application which undertakes a precautionary approach and assumes a high conservation status roost being present on site. The mitigation package includes lead bat access tiles on garage roofs and bat boxes for trees. It is recommended that the Mitigation Strategy including the mitigation methods are conditioned.

8.38 Works to trees and hedgerows capable of being best nesting habitat should be undertaken outside the bird breeding seasons and taking measures to ensure the site does not become suitable for reptiles.

Significant Conditions

8.39 A number of conditions are recommended including, details of materials, landscaping plans and on-going management, details of the access, cycle parking, vehicle turning and construction method statement in line with recommendations from WSCC Highways.

8.40 Further details of SUDS and foul drainage is required to ensure the development has the appropriate infrastructure. Tree protection and the hand digging of trenches with the root protection area of the TPO trees are also recommended for condition to prevent harm to these important trees.

8.41 Details of screen walls and fences, street lighting and site levels and bins, as well as ensuring archaeological works are undertaken is also considered necessary to recommend for condition. As detailed in paragraph 8.33 and 8.34 there are also a number of recommendations for the protection of ecology.

Section 106 Agreement

8.42 The development requires a Section 106 agreement to secure elements of the scheme which make it acceptable in planning terms, including the affordable housing and the delivery and ongoing maintenance of the landscaping and SUDs system.

8.43 Financial contributions are also required to be paid to the Recreation Disturbance Mitigation Project for the net increase in dwellings, totalling £4525. The development lies in the south of the plan area where CIL is required for new residential floorspace and is charged at £120/sqm. This development would trigger the need for in excess of £259,000 to be paid in CIL monies, of which the parish would receive 25% for having a made neighbourhood plan (approx. £64,750).

Conclusion

8.44 This proposal is similar to a previous approval on the site, which is extant following a technical start in 2016. This application differs to the extant permission in so far as the 2ha parcel of land, with connecting footpath no longer forms part of the application, but instead the applicant will enter into a S106 Agreement to provide a financial contribution to the Solent Recreation Disturbance Mitigation Project, to mitigate the harm to the Chichester Harbour SPA. This application also varies from the extant permission in so far as it proposes 3 fewer

affordable units (previously 10 now 7), which would deliver 30% rather than the previously required 40% affordable units. These affordable units will be delivered as affordable rented units. The site would still deliver 27 dwellings (25 net) with landscape areas, open space, access and car parking.

8.45 It is considered that despite the development plan changing since the previous approval, the principle of development is acceptable in light of the both the Local Plan and Neighbourhood Plan policies. Furthermore the Council now has an agreed package of mitigation with Natural England which allows developers to provide a financial contribution to a wider mitigation project, and therefore there is no justification in planning terms to require the delivery of the additional parcel of land when the site is able to deliver open space in accordance with the Planning Obligations and Affordable Housing SPD. Whilst the loss of a connecting footpath is unfortunate, the PROW can still be accessed via a segregated footpath along Bell Lane 400m to the south of the site. As the proposal is unchanged in appearance, and this is considered to be consistent with the character of the area, it is not considered that this development would harm the semi-rural feel of Birdham or the appearance of the street scene.

8.46 Based on the above, and the planning balance, it is considered the proposal complies with development plan policies 1, 2, 4, 5, 9, 33, 39, 40, 42, 48, 49, 50 and 54 of the CLP and policies 3, 6, 10, 12, 13, 16, 17, 18, 19, 20 and 21 of the BNP and therefore the application is recommended for approval.

Human Rights

8.47 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: 020 Rev C, 021 Rev B, 022 Rev B, 023 Rev A, 024 Rev D, 025 Rev C, 03 Rev A, 031 Rev A, 032 Rev A, 033 Rev B, 034 Rev C, 035, 036 Rev B, 037 Rev B, 038 Rev B, 039 Rev B, 04 Rev A, 040, 041 Rev A, 042 Rev D, 043 Rev A, 044, 045, 046, 047 Rev A, 9120/01 REV B SHEET 1 of 2, 9120/01 REV B SHEET 2 of 2, LOC REV A, 01 REV K, 02 REV G, 026 REV F, 028 REV D, 029 REV E, 030 REV C

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

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

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

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

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-

commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

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

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

7) **No development/works shall commence** on the site until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

8) **No development shall commence** until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. Any digging out of the ditch along the western boundary shall be done sensitively (by hand) within the root protection areas of the TPO'd trees. No dwelling shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. Once approved the details shall be implemented in full.

Reason: To ensure that the site is satisfactorily drained and to avoid flooding or pollution of the environment.

9) **No development shall commence** until full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

10) **No development shall commence** until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

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

11) **No development shall commence** until details showing the approximate location of ONE fire hydrant (in accordance with West Sussex Fire and Rescue Guidance Notes) has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

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

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

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

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

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

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

14) **Prior to first occupation** of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

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

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

15) **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.

16) **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.

17) **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.

18) **No part of the development hereby permitted shall be occupied** until details of the proposed street lighting has been submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented in full.

Reason: To ensure that light spill from street lighting is considerate of bats known to be in the locality.

19) **No part of the development hereby permitted shall be first occupied** until details of bat and bird boxes to be installed on dwellings and/or trees have been submitted to and approved in writing by the Local Planning Authority for approval. Once approved the boxes shall be first be installed prior to the final unit being occupied and shall remain in perpetuity.

Reason: To enhance the biodiversity of the site.

20) **No part of the development shall be occupied** until such time as the vehicular access has been constructed in accordance with Plan ITB7126-GA-001 Rev F including the provision of visibility splays from the vehicular access onto Bell Lane, set back 2.4m from the edge of the carriage way and extending 120m to the north and south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.

Reason: In the interest of road safety.

21) 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. No development shall be occupied until:

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

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

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

22) The foundations of any part building, hereby approved, shall only be hand dug where they are located within the canopy of the trees as shown in plans 9120/01 REV B SHEET 1 of 2 and 9120/01 REV B SHEET 2 of 2, within the TPO group orders on the northern and western boundaries and under the supervision of a qualified arborist. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.

Reason: To ensure the tree is not adversely affected by the construction of the development.

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

Reason: In the interests of residential amenity.

24) The development hereby approved shall be carried out in full in accordance with the details and methods of mitigation in the Bat Mitigation Strategy Revision B (07/03/2017) by CSA Environmental unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure the conservation of a protected species

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 is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

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

6) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding within the limits of the highway, the provision of cranes over-sailing the highway.

7) The applicant will note no construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

For further information on this application please contact Rhiannon Jones on 01243 534549.

Parish: Chichester	Ward: Chichester South
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CC/1700167/DOM and CC/17/00166/LBC

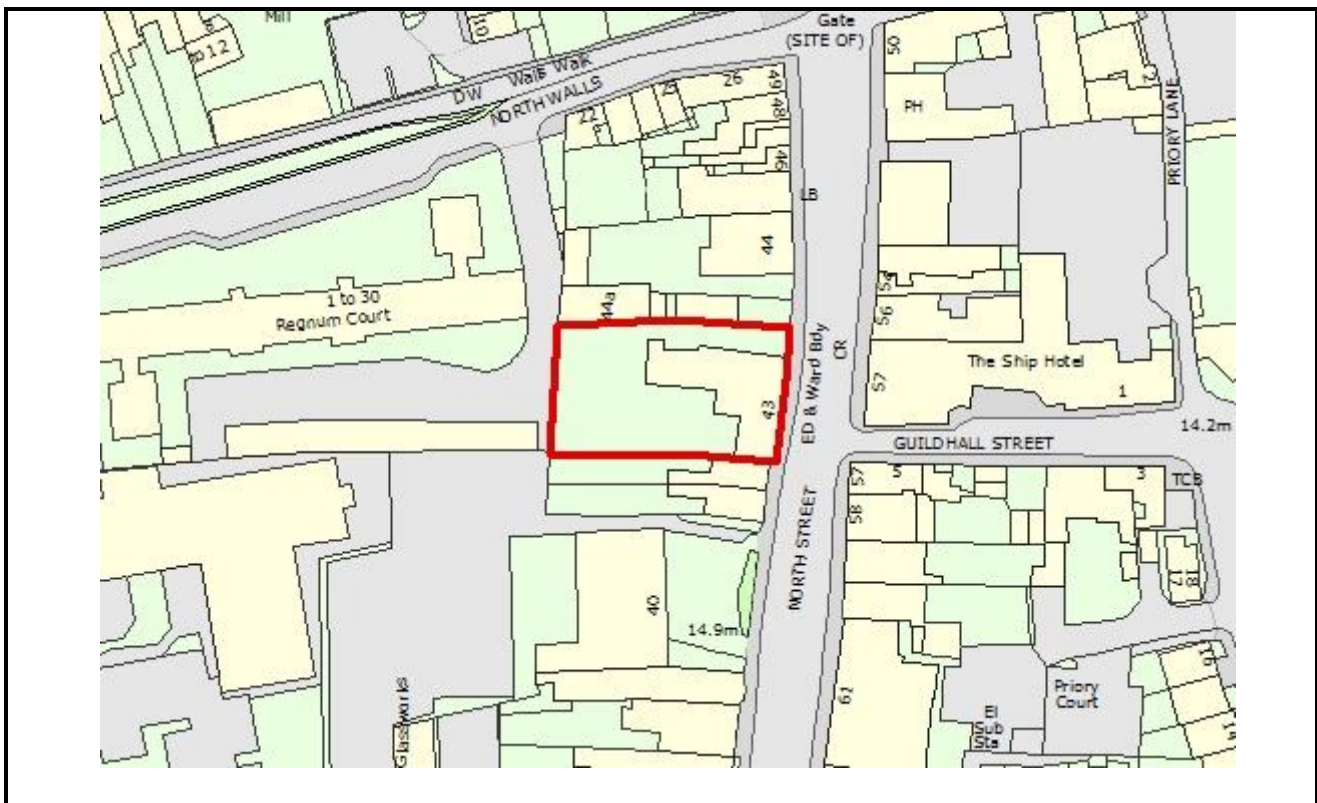
Proposal Rear extension to provide ground floor cloakroom and first floor shower room.

Site 43 North Street Chichester West Sussex PO19 1NF

Map Ref (E) 486092 (N) 105141

Applicant Mr And Mrs Wake

RECOMMENDATION TO REFUSE



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

Red Card: Cllr Richard Plowman: Important information/opinion to raise in debate:

This is an important listed building in the street scape in Chichester.

2.0 The Site and Surroundings

2.1 The application site is situated on the western side of North Street, within the Chichester Settlement Boundary. The property is a Grade II* listed building and falls within the Chichester Conservation Area. It comprises a three storey, semi-detached dwellinghouse with an enclosed rear yard. An outbuilding to the Northern side known as Coach House has been separated to form a new unit in use for retail.

2.2 The listing reads "NORTH STREET (West Side), No 43, II* GV

Early C18. 2 storeys and attic. With slightly lower frontage than the previous building and projecting forward from it. Red tiled gabled roof. 3 flat roofed dormers. Coved cornice. Red brick. Centre portion projects slightly. Brick stringcourse above ground floor. Sash windows with flush boxes in flat arches; glazing bars intact. 2 large modern windows with glazing bars below; each of 3 lights divided by slender columns and flanked by slender pilasters with narrow entablature over. Large 3 light projecting bay window on 1st floor over doorway, with ogee shaped windows of slightly later date. Doorway below with fluted Ionic columns and entablature over with pulvinated frieze. Door in panelled reveals; unusual 4 panel door with round headed top having the semi-circular fanlight effect on the door itself. Nos 35 to 49 (consec) form a group.'

2.3 Works have commenced on repairs and alterations that were approved by permissions 16/02456/DOM, 16/02454/LBC and 17/00381/LBC. These works include internal and external repairs, the installation of a doorway in place of a side window, and replacement of a rear window with French Doors, all of which are shown on the submitted plans.

3.0 The Proposal

3.1 The applications for planning permission and listed building consent seek approval for a projecting first floor rear extension supported on a metal post to provide an additional en-suite for use by the master bedroom, with a smaller single storey extension underneath providing a cloakroom toilet.

4.0 History

CC/00223/75	PER	C/U to offices
CC/00296/90	PER	Additional office accommodation. Construct new two storey extension and convert to office accommodation existing coach house and 2nd floor flat.
CC/00298/90LB	PER	Refurbish and alter existing office accommodation (Basement, ground and 1st floor) c/u from res to office on 2nd floor & refurbish. Provide add floor and office accommodation within the existing coach house with new two storey extension

97/01559/LBC	PER	External refurbishment to main building and coach house to include the renewal of two large windows on the east elevation fronting North Street.
01/00135/FUL	PER	Alterations and addition to existing building to form single residential unit. Alterations to Coach House to form garage.
01/00136/LBC	PER	Alter existing office accommodation to form single residential unit. Add conservatory to rear elevation with new bathroom over. Alter Coach House to form garage.
03/01298/FUL	PER	Alterations and addition to existing building to form single residential unit and alterations to coach house to form ancillary accommodation.
03/01304/LBC	PER	Add additional dormer windows to house and alterations and windows to annex boundary wall and railings.
07/03825/LBC	PER	Internal and external repair, reinstatement and redecoration following fire damage of this existing domestic building.
16/02454/LBC	PER	Conservation repairs, refurbishment works, like for like re-roofing and internal and external alterations.
16/02456/DOM	PER	Conservation repairs, refurbishment works, like for like re-roofing and internal and external alterations.
16/03633/DOM	REF	Conservation repairs, rear window and kitchen door addition/alteration. New ground floor cloakroom from hall with shower/WC above as en-suite to master bedroom 1.

16/03634/LBC	REF	Conservation repairs, rear window and kitchen door addition/alteration. New ground floor cloakroom from hall with shower/WC above as en-suite to master bedroom 1.
17/00381/LBC	PER	Conservation repairs, rear window and kitchen door addition/alteration.
17/01152/TCA	PCO	Notification of intention to fell 1 no. Holm Oak tree (T1) and formative prune 1 no. Beech tree (T2).

5.0 Constraints

Listed Building	Grade II star
Conservation Area	CC
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Ord	YES
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 City Council

No objection subject to views of the Historic Buildings advisor

6.2 Historic England

No comment, refer to Council's specialist conservation advisor.

6.3 CDC - Historic Buildings Adviser

Object- This proposal was previously discussed at pre-application stage and although the design may have been amended, the principle remains difficult to support. This is because the works result in harm to a grade II* listed building in the heart of Chichester City centre. (Please note that grade II* and grade I structures account for the top 6% of buildings in the country).

The main concern is the nature and form of the new structure to create a two storey tower to house two toilets. Given its nature, scale and location squeezed in the corner, this is likely to appear incongruous against the rear elevation and affect its appreciation where the fenestration is currently centred and balanced within this part of the building.

It also results in the loss of historic fabric as it breaches the external wall, but will also affect the appreciation and experience of the bedroom. This currently has a strong historic character internally with the restoration of the timber panelling proving very effective. A further door squeezed into the corner is unlikely to preserve this.

Had this building demonstrated poor amenity internally there might be some justification for the proposal, however given that recent applications have provided the house with six toilets, it is difficult to support proposals which will result in there being eight toilets. This is especially so, given that there are already three toilets on the first floor and one just a short distance from the bedroom.

6.4 CCAAC

Object. The works proposed will compromise the historic layout of this important house and involve some loss of historic fabric.

6.5 One objection letter has been received from a third party expressing concern that the form disfigures the rear elevation of this grade 2* listed property.

6.6 One letter of support has been received from a third party for the following reasons;

- a) Building previously in poor repair
- b) No neighbour harm
- c) A need to provide for 21st Century living.

6.7 Applicant/Agent's Supporting Information

Over the last 6 months the applicant has undertaken significant conservation repair works to ensure the long term future of the existing house at 43 North Street. It is now hoped that the modest rear extension to provide a more easily accessible Cloakroom for those with ambient disability at Ground Floor and an additional shower room adjacent the master bedroom will ensure that the building remains fit for 21st century living.

The proposal is of a minimal footprint (4.75m²) and discreetly located at the rear elevation. Hand-made and high quality materials have been carefully chosen to match those of the existing building and to ensure that the extension is in keeping with its surroundings. It cannot be viewed from any publically accessible area save for a limited view point in St Ciriacs car park. Neighbourhood consultation has been undertaken and a number of letters have been received in support of this application.

A thorough assessment of the historic fabric has been undertaken by an independent Buildings Archaeologist which confirms that the proposal will not cause significant harm to the Listed Building or loss of historic fabric. The report identifies that much of the interior fabric was lost in a fire around 12 years ago. The building has a heritage of additions to the rear elevation which is typical of buildings from the Georgian era in Chichester. Comparable examples of modern extensions include those to the rear of Friary Gate House and several other properties along North Pallant.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester District Local Plan: Key Policies 2014-2029

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 10: Chichester City Development Principles

Policy 33: New Residential Development

Policy 47: Heritage and Design

National Policy and Guidance

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

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

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

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

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

Other Local Policy and Guidance

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are the impact on:

- i) the Listed Building,
- ii) the neighbouring properties' amenity, and
- iii) the Conservation Area

Assessment

i) The impact upon the Listed Building

8.2 Under sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; in considering whether to grant listed building consent and/or planning permission for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.3 Policy 47 (Heritage and Design) of the Chichester Local Plan: Key Policies 2014 to 2029 requires development to demonstrate that the proposal "conserves and enhances the special interest and settings of designated and non-designated heritage assets" including Listed Buildings and the Conservation Area, and "respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality".

8.4 Under Section 12 of the NPPF the authority is required to consider that heritage assets are irreplaceable and that any harm would require clear and convincing justification, although the significance of the asset and degree of harm should be weighed against securing best viable use.

8.5 Whilst the rear of the building features varying roof forms and historic extensions, the proposed extension, with oversailing first floor supported on a single metal column and shallow mono-pitch roof, would be an incongruous addition to the listed building. It is considered that the bulk and overall form would be a notable departure from the historic form and appearance of the building. In addition, the extension would be constrained by the existing two-storey projection to which it would be attached and the adjacent fenestration of the western elevation. The proposed extension sited between the projection and the fenestration would appear unduly cramped in this location at the rear of the building. The proposal also requires opening of the historic rear and side elevations and therefore the loss of historic brickwork. This would be loss of historic fabric that would constitute harm and would require significant justification. The proposed extension would therefore detract from the architectural quality of the building and would result in loss of historic fabric.

8.6 The applicant considers that the bathrooms to be accommodated in the extension are necessary to meet the needs of 21st century living. Following previous permissions the occupiers of the dwelling will have access to 6 no bathrooms; three of the seven rooms at first floor level being bathrooms. No reasons have been given as to why the provision of further facilities such as this are essential. The convenience of additional bathrooms and WC would not represent a sufficient justification for the loss of fabric and incongruous bulk, form and position of the proposed extension.

8.7 It is considered that the removal of the historic brickwork together with the form and cramped nature of the extension would constitute less-than-significant harm given its scale, and in accordance with the NPPF consideration has been given to whether public benefits would outweigh this harm. It is considered that the proposal would not provide any public benefits that would outweigh the identified harm, particularly given that the refusal of the application would not prevent the ongoing use of the building as a modern dwelling.

8.8 The proposed rear extension would neither preserve nor enhance the Grade II* listed building and so would be in conflict with Local Plan policy 47 and the duties under the Town

and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Instead, the proposal would result in an incongruous form of development that would also result in loss of historic fabric which would be harmful to the significance of this Grade II* Listed Building.

ii) Impact upon the neighbouring properties' amenity

8.9 Due to the location of the proposed extension in the centre of the rear elevation, the scale of the proposal and the size of the site, and the screening provided by existing development and vegetation, it is not considered that the proposal would unduly detract from the amenity of neighbouring properties. The proposal would therefore accord with national and local planning policies in this respect.

iii) Impact upon the Conservation Area

8.10 Under section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is required that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whilst the proposal is not considered to constitute an acceptable form of development in respect of the harm to the listed building, the development would be screened from most public views by the existing development in the site, and so would not be considered to unduly detract from the special appearance and character of the Conservation Area. The application would therefore accord with national and local planning policies in this respect.

Conclusion

8.11 Based on the above assessment, by reason of its siting, design, form, appearance and the undue loss of historic fabric to the Grade II* listed building it is considered the proposal is contrary to Local Plan Policies 33 and 47, national policy and relevant legislation, and therefore the applications for planning permission and listed building consent are recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:-

1) By reason of its siting, design, form, appearance and the loss of historic fabric, the proposed extension would constitute an incongruous development that would generate harm to the significance of the Listed Building without acceptable justification, and so would detract from, rather than preserving or enhancing the Listed Building, its setting or its features of architectural and historic interest. The proposal would therefore conflict with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, Chichester Local Plan Key Policies 2014-2029 policies 33 and 47, and the Core Principles and policies of the National Planning Policy Framework, with particular regard to paragraphs 14, 17, 56, 57, 58, 61, 64, 129, 130, 131, 132 and 134.

For further information on this application please contact Paul Hunt on 01243 534734

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



	NOT TO SCALE	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
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1.0 Reason for Committee Referral

This application was deferred at the meeting on (26 April 2017) for a Site Visit.

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 grass. Vehicular access to the site is off Kimbridge Road where off-street parking is provided in a garage.

2.2 The application site is bounded on its south eastern elevation by a two storey dwelling referred to as no. 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 each elevation of the 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 in the Chichester Harbour Buffer and Settlement Boundary Area.

3.0 The Proposal

3.1 The application proposes 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 is detailed around the property comprising a mixture of grass verges, planting and low lying boundary walls.

3.2 The building comprises 2 storeys in proportion and feature velux roof lights in the roof pitches. These roof lights are detailed as being 1.7 metres above finished floor levels. Glazing is proposed along the rear elevation of the building at first floor level which is opaque glazed. The north east elevation, abutting Stocks Lane, features a dual pitched gable end. The finishing to the elevations at first floor level comprise a mix of exposed render and horizontal timber cladding. The ground floor elevations are finished in exposed brickwork.

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.

10/00789/PD	REC	Planning advice: demolish garage and rebuild on existing back drive
10/02478/DOM	PER	Replacement, repositioned detached garage.
15/00894/OUT	APPRET	Outline application for demolition of existing garage and erection of 4 no. 2 bed flats. Alterations and extension to existing dwelling to form 3 no. 2 bed flats and 2 no. 3 bed flats.
16/00492/FUL	PDE	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
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 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.

6.2 West Sussex County Council Highways

Summary

It is proposed that the existing house 'Ashbury' and its detached garage are demolished and a building consisting of five flats and a separate detached single storey dwelling are

erected. Kimbridge Road is a 'D' classified road subject to a 30 mph speed restriction. The site is on a corner plot at the Kimbridge Road junction with Stocks Lane ('B' classified and also subject to a 30 mph speed restriction in this location).

The Local Highway Authority (LHA) does not wish to raise any highways objections to the principle of the proposals. However, we do request clarification and modifications to parking arrangements as detailed in the report below.

6.3 Access and Visibility

There are two existing dropped kerb access points to the site from Kimbridge Road. One of these provides access to the current garage and the other is not currently in use. It is proposed that both these access points will be retained and utilised for the development. Both access points are sufficient in width to support the anticipated vehicle movements that the proposal will cause.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at either the access points or junction of Kimbridge Road with Stocks Lane. There is no evidence to suggest that the accesses or junction are operating unsafely, or that the proposed development would exacerbate an existing safety concern.

Vehicular visibility on to Kimbridge Road is sufficient. The LHA request that the applicant provide pedestrian visibility splays from either side of each access point of 2m by 2m. Any wall or physical feature within this splay should be no higher than 0.6m to ensure the safety of pedestrians using the footway on this side of Kimbridge Road.

6.4 Parking

Six car parking spaces will be provided for the development. It is unclear whether these will be unallocated or allocated. Based on the assumption of the six car parking spaces being unallocated the WSCC Car Parking Demand Calculator estimates for a development of this size and location that six spaces be provided therefore it meets with the demand, at one space per residential unit. However, the applicant should clarify whether the parking spaces will be allocated or not as allocated spaces will increase the demand. Parking bays meet the required dimensions of 2.4m by 4.8m to be counted toward parking provision.

It is appreciated that a lack of parking restrictions on the nearby road network will enable overflow parking on the street, it should also be noted that there are no junction protection lines at the junction of Kimbridge Road with Stocks Lane. Therefore overflow parking may occur in locations that would obscure vehicle visibility and cause a highway safety concern. Therefore a sufficient unallocated off street parking provision would be a benefit, to meet the demand of residents.

6.5 Turning

The three North-Eastern parking spaces are accessible, although manoeuvrability in and out of these spaces does appear restrictive. The applicant should make better use of the available space. From an inspection of the red edged plan it would appear that part of the grassed area fronting Stocks Lane could be utilised to increase the hardstanding area within the site and thus provide space for a turn on site. The applicant should amend the Site Plan so that the position of the existing dwarf brick wall is altered to provide at least 6m of hardstanding behind the furthest north car parking space, at a 90 degree angle.

This will enable cars to carry out a multipoint manoeuvre to turn on site and thus exit in a forward gear rather than carrying out a potential hazardous reverse manoeuvre onto Kimbridge Road, at this close proximity to the junction with a main 'B' class road (Stocks Lane). When utilising this piece of land the designs should be mindful of the boundary treatment along Stocks Lane to ensure that vehicular visibility on to the junction from Kimbridge Road is not adversely affected.

The three car parking bays to the south can make use of the two existing access points as an in/out arrangement and thus the LHA do not wish to raise any concerns about the parking layout to the south.

6.6 Sustainability

The site is located within walking distance of a range of local shops and amenities. The nearest bus stop is within 50m of the site, on Stocks Lane, with services toward Selsey and Chichester.

The proposed Site Plan demonstrates an area for cycle storage. This should be secure and covered. Further, details can be provided if the application is permitted and secure via condition.

6.7 Conclusion

The principle of the development does not raise any highways concerns with the LHA. However, as detailed above the applicant should provide pedestrian visibility splays from both access points onto Kimbridge Road. Modification to the internal hardstanding space within the northern part of the site should also be provided to allow improved manoeuvrability and facilitate a turn on site.

6.8 Third Party Objection

Four further letters of objection have been received reiterating the concerns listed below (a-z), in addition an e-mail has been submitted to the Local Planning Authority accompanied by photographs evidencing parking. Ten letters of objection were received between the writing of this report and the Planning Committee meeting held on 26 April 2017 which reiterate the concerns listed below (a-z).

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

- a) There have been several accidents and many near misses on the junction
- b) HGV's 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 out door 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

6.9 Applicant/Agent's Supporting Information

Following the initial consultation period, comprising fourteen initial letters of objection, the application 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 submitted on 10 April 2017 have been the subject of a re-consultation period. It is upon these amended plans that this application is assessed.

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) Design
- iii) Highways Safety
- iv) Landscaping
- v) Chichester Harbour Special Protection Area

Assessment

- 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 established.

- ii) Design

8.3 Policy 33 (New Residential Development) of the Chichester District Council Local Plan Key Policies (2014-2029) provides a 7 point criteria against which new residential development should be assessed. Policy 33 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 building retains the two storey proportions which characterise plots along Kimbridge Road, although the overall height, size and scale of the sites are increased. However, 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.

8.5 Concern was raised throughout the public consultation period in respect of impact upon neighbouring amenities, specifically the relationship between the proposed building and existing building located to the north west (Kimsea). However, the distance between the property to the north west (Kimsea) equates to circa 22 metres from elevation to elevation. The Council's SPG guidance used for assessing impacts on residential amenity details that 21 metres is typically sufficient to prevent issues of privacy and overlooking.

8.6 Windows along the first floor north west elevation remain in a comparable position as that of the existing dwelling occupying the site. Therefore, the development would not result in any additional impacts on overlooking than in comparison to that of the existing. Further, regard has been given to the velux roof lights proposed in the roof pitches serving the bedrooms of the properties. These windows are situated in excess of 1.7 metres above finished floor levels and they would be conditioned so. On this basis, these velux roof lights along the north west elevation would not result in impacts upon overlooking or privacy.

8.7 Concern was also raised in respect of the use of windows at first floor level on the neighbouring property to the south east (no. 140). However, within the design revisions undertaken in discussion with the Council, the use of non-opening and opaque glazed windows across this rear elevation has been secured. Therefore, the development would not result in additional overlooking over and above those found within the existing dwelling on the site. Such use of opaque glazing to the windows on the rear elevation at first floor level will be secured by way of condition. Further, a condition would be imposed requiring no windows to be inserted at first floor level of the rear elevation without the benefit of planning permission from the Local Planning Authority.

8.8 Concern was raised throughout the public consultation period in respect of the overall size, scale and massing of the building in the wider street scape. In undertaking a site visit to the application site it was noted that much of the wider development on the junction of Kimbridge Road to the B2179 comprises two storey residential development with according pitched and hipped roof forms. It was also noted that development to the south of the application site also comprises a two storey residential dwelling (Newquay). As such, the application site would appropriately accommodate a two storey dwelling.

8.9 The site visit noted that the development on this junction point mainly comprised residential properties set back from the road side with some concealment being provided by surrounding vegetation and landscaping. The application plans note the retention of the existing brick wall with proposed planting. Appropriate species of trees which establish a comparable height and concealment as existing could be secured by way of imposition condition. Such landscaping, coupled with the overall form of the building, would ensure the character of the surrounding area is retained as existing.

8.10 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. However, such a materials palette shown is indicative and the imposition of a materials condition would secure appropriate materials and finishing of the building, prior to the commencement of development.

8.11 Concern was raised throughout the public consultation period regarding access to amenity space. Policy 33 of the Local Plan does not stipulate a threshold on required amenity space and requires developments to be assessed in accordance with the character of the area.

8.12 Properties on corner locations of the junctions between Kimbridge Road and Stocks Lane/Peerley Road all have limited private amenity space. This is due to the site layout

and orientation of the buildings. As such, the proposal retains a comparable amount of private amenity space as per the existing and local arrangements.

8.13 However, in assessing access to amenity space it has been noted the proximity of the application site to the waterfront and beaches which are located within walking distance of the application site. This proximity ensures that occupants of the dwellings would have sufficient access to open space and amenity opportunities. Therefore, the amenity space proposed within the development would be acceptable.

8.14 In light of the above, the development results in a high quality 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).

iii) Highway Safety

8.15 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.

8.16 The application provides for 6 no. off street car parking spaces in connection with the residential dwellings. This total comprises 5 no. allocated parking spaces and 1 no. unallocated space. The parking provision/access point is retained as existing, although it is widened through the provision of an extended drop kerb.

8.17 The Local Highway Authority (WSCC) has been consulted and have assessed sufficient off-street parking has been provided as part of the proposals. Equally, they have stated that sufficient visibility splays could be achieved from the site which should be secured by way of condition. Therefore, a condition would be imposed requiring the applicant to demonstrate visibility splays of 43 metres, prior to the provision of the car parking spaces.

8.18 A further condition would be imposed requiring the applicant to provide the car parking spaces in accordance with the approved plans, prior to the occupation of the first dwelling on the site. This would ensure sufficient parking is provided in connection with the development.

8.19 The applicant has provided details of cycle parking in connection with the dwellings on the site. A condition would be imposed to secure the delivery of the cycle parking on site, prior to the occupation of the first dwelling.

8.20 In light of the 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).

iv) Landscaping

8.21 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. Policy 48 requires proposals

to respect and enhance the landscape character of the surrounding area and site, and public amenity through detailed design.

8.22 The application proposes landscaping around the application site building. This comprises a mixture of an existing dwarf brick wall, planting, and grass. Other associated hard surfacing is proposed in the form of paving to the dwellings.

8.23 Tall landscaping and planting along the boundaries of sites comprise a common and coherent feature along Kimbridge Road and Stocks Lane. This landscaping reiterates the established character and appearance of the area and provides continuity along the street scape which would otherwise be characterised by a mixture of built forms. Further, the landscaping would also restrict intervisibility between windows along the primary elevation.

8.24 The imposition of a condition would secure the submission of the detailing of this landscaping. Such a condition would require details to be agreed prior to the commencement of development.

8.25 In light of the above, the development recognises the distinctive local landscape character and contributes to its setting and quality. The development enhances the landscape character of the site and public amenity through detailed design. Therefore, the development accords with the contents of Policy 48 (Natural Environment) of the Chichester District Council Local Plan Key Policies (2014-2029).

v) Chichester Harbour Buffer

8.26 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).

Significant Conditions

Conditions will be imposed in respect of the plans, landscaping, parking provision, materials, visibility splays and cycle and bin storage provision.

Section 106 Agreement

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.

The development is liable to pay the Council's Community Infrastructure Levy (CIL) charge.

Conclusion

The additional representations received have been considered, and the recommendation remains to defer for S106 and then permit.

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) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

4) No 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.

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) development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has 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.

Parish: Fishbourne	Ward: Fishbourne
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FB/16/03464/FUL

Proposal Removal of garage and construction of 1 no. detached one bedroom bungalow with soft and hard landscaping.

Site Avalon 22 Halfrey Road Fishbourne West Sussex PO18 8BU

Map Ref (E) 483474 (N) 105447

Applicant Mr J Parham

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



	NOT SCALE	TO	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
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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 a corner plot, which lies to the west of Halfrey Close, a private road situated to the north of Halfrey Road. It is located within the settlement boundary of Fishbourne, to the north of the south coast railway line.

2.2 The site comprises an existing semi-detached bungalow, set south east facing, with vehicular access from Halfrey Close. The amenity space associated with the property extends to the front (south), around to the side and to the rear (north). The northern most part is currently used for the parking of vehicles associated with the residential use of the property. A 1.5m close boarded fence and approximately 2m hedge form the boundary to the road to the east and to the north. Halfrey Close comprises of semi-detached two storey properties, with a single storey dwelling situated to the east, directly opposite the application site.

3.0 The Proposal

3.1 The proposal seeks to erect a single dwelling on the area of garden land to the north of the existing property. It follows refused application FB/16/00734/FUL and seeks to address the reasons for refusal, which were as follows:

1) The proposed dwelling by reason of its positioning forward in the plot, proximity to the host dwelling and boundaries would result in a cramped form of development, contrary to the prevailing form of development in the locality, appearing incongruous within the street scene, thereby harming its visual amenity and character and that of the host dwelling. The proposal would therefore fail to comply with policies 1, 33, 47 of the Chichester Local Plan Key Policies 2014-2029 and Sections 7 generally of the National Planning Policy framework.

2) The site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and therefore the proposal is contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029. The development would therefore contravene the Conservation of Habitats and Species Regulations 2010 and the advice in the National Planning Policy Framework.

3.2 The application plot would have a depth of 17.9m, set back from the boundary to the east by 5m and away from the newly proposed southern boundary by 1.1m. The rear garden would have an angled southern boundary between the new dwelling and the host dwelling.

3.3 The proposed new dwelling would be single storey, brick facing, with concrete interlocking tiles. It would have an eaves height of 2.2m, with a pitched roof and ridge height of 5.4m. It would have a depth of 7.6m at the deepest part and a width of 9.1m. The entrance to the property would be east facing, leading into a hallway, with separate W.C and a double bedroom and ensuite leading off, and an open plan kitchen, living and dining room, with access into the rear garden.

3.4 To the front of the property, the existing access would be retained, providing a car parking space for one vehicle. The existing boundary fence and hedge and the tree to the north of the site would be removed. These would however be replaced with a mixed native hedge to the front of the site and a replacement tree would be planted to the rear garden.

4.0 History

05/00048/DOM	REF	Single storey front extension, formation of gable and front and rear dormers in connection with loft conversion.
05/01196/DOM	PER	Single storey front extension, front dormer window and gable roof extension.
05/02932/DOM	PER	Resubmission of previous application FB/05/01196/DOM - and proposed rear dormer with high level windows.
16/00734/FUL	REF	Demolition of existing garage, construction of 1 no. detached 1 bedroom bungalow with soft and hard landscaping.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
Flood Zone	NO

6.0 Representations and Consultations

6.1 Parish Council

Initial comments 17.12.2016

Fishbourne Parish Council objects to this application which would result in an overdevelopment of a small site. It would also be un-neighbourly in a small close. In addition, this would not be a sustainable development due to loss of greenery and additional parking.

Comments on substitute plans

Fishbourne Parish Council maintains its objection to these substitute plans on the same grounds as previously stated.

6.2 WSCC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application FB/16/00734/FUL to which no objections were raised. The application was refused by the Local Planning Authority (LPA) for reasons unrelated to highway safety.

This resubmission proposes to set the proposed dwelling back (north). From an inspection of the plans there are no changes to previous comment on access and parking arrangements given in the LHA response to FB/16/00734/FUL dated 12/04/2016. Please refer to that previous response along with previously advised conditions.

Comments on application FB/16/00734/FUL 12/4/16

In summary:

The dropped kerb will provide access to two off street car parking spaces for the existing dwelling. Turning on site appears restrictive but achievable. Furthermore, no. 18 on the opposite side of the junction has a similar arrangement.

...There have been no recorded injury accidents at the junction. There is no evidence to suggest that the junction is operating unsafely, or that the proposed access in this location would exacerbate an existing safety concern....

The site is within walking distance of bus stops with services on to Chichester. There is also a Railway Station within walking distance which further promotes uses of sustainable transport. The applicant has provided for cycle storage within the rear garden, this should be kept in perpetuity...

The LHA does not consider that the proposal for one dwelling would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the NPPF (para 32), and that there are no transport grounds to resist the proposal.

6.3 9 Third Party Objections

- i) Overdevelopment
- ii) Incorrect plans
- iii) Contrary to policies

Other comment

- i) Covenant on the property restricting development

6.4 1 Third Party Objection on substitute Plans

- i) Fence and hedge not in accurate locations on plan
- ii) Overdevelopment

- iii) Loss of tree
- iv) Impact on parking

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 Fishbourne Neighbourhood Plan was made on the 31st March 2016 and forms part of the Development Plan against which applications must be considered.

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 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk
Policy 47: Heritage and Design
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

Fishbourne Neighbourhood Plan:

Policy SD 3: Development Constraints
Policy D 1: Good Design
Policy ENV2: Tree protection
Policy ENV4: 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 paragraph 17 (Core Planning Principles), together with sections 6 and 7 generally.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Document is material to the determination of this planning application:

Surface Water and Foul Drainage SPD

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
- 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:

- i) The principle of the development
- ii) Impact on neighbouring amenity
- iii) Character, appearance and amenity
- iv) Highway Safety
- v) Recreational Disturbance Mitigation
- vi) Other Matters

Assessment

- i) The principle of the development

8.2 The application site is located within the defined settlement boundary of Fishbourne, as set out in the Chichester Local Plan (CLP), and within the made Fishbourne Parish Neighbourhood Plan. Within the defined settlement boundary, the principle of new dwellings is considered acceptable, subject to compliance with other material considerations. Fishbourne is considered a sustainable location and is within close proximity to the city of Chichester. Fishbourne has some facilities and services, with direct transport links to Chichester, including designated pedestrian and cycle routes. It is therefore considered that the site lies in a sustainable location, within a defined settlement for which the principle of additional dwellings is considered acceptable.

- ii) Impact on neighbouring amenity

8.3 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.4 The host dwelling has a habitable dormer window to the rear roofslope and habitable windows at ground floor level, the dormer would look obliquely across the south west corner of the proposed amenity space to the new dwelling. Due to the location of the proposal, at an oblique angle to the north of the host dwelling and at single storey level, it is not considered there would be any resulting overbearing or loss of light impacts.

8.5 The proposed dwelling would have windows at ground floor level only. These would have a separation distance of 25m from the neighbouring property to the east, at ground floor level, which would be in line with CDC Design Guidance and therefore an acceptable relationship. To the north, the proposed dwelling would be situated in excess of 25m to the direct neighbours numbers 5 and 6 Halfrey Close. The proposed dwelling would be set at an oblique angle of 20m to the western properties, number 24 and 26 Halfrey Road, meaning there would be adequate separation distance. To the west there would be a boundary fence to the neighbouring number 24 Halfrey Road, mitigating any overlooking impacts that may have existed. Furthermore, due to the single storey nature of the proposal and the separation distances from the neighbouring properties, there would be no overbearing or loss of outlook impacts. A window is proposed facing the northern boundary which would look onto an area of open space, which hosts garaging and general landscaping, as such this relationship is considered acceptable. It is proposed to erect a 1.8m closeboarded fence on the boundary to the host property, which would be angled to the rear improving the relationship between the existing host, and proposed dwelling.

iii) Character, appearance and amenity

8.6 The proposed bungalow has been designed to reflect that of the neighbouring properties on Halfrey Road and no.9 Halfrey Close. The proposal includes a mix of materials, facing bricks and a concrete tiled roof, that are comparable to those in the immediate locality.

8.7 The plot frontage width of the property would be 10.65m and is considered comparable to those in the street scene and not dissimilar to that of the direct neighbour opposite at no. 9 Halfrey Close which has a frontage width of 11.4m. The proposal has been designed to effectively mimic number 9 and the transition into the 2 storey properties found in Halfrey Close. Halfrey Close is open plan in nature, however following concerns about the loss of the hedge and soft landscaping as part of the previous application, this proposal seeks to plant a hedge with further low level boundary treatment to follow the existing front boundary line. The proposal would sit comfortably in the plot, with amenity space to the rear (5.4m (d) x 8.5m-10.6m (w)) and a separation of 1m to the southern boundary and 400mm, to the northern boundary. Whilst the proposal would reduce the garden land available to the host dwelling this would remain of an acceptable size and include adequate amenity space to the east side measuring (12m (width) x 9.4m depth x 5m depth). The staggered, angled boundary now proposed between the host and proposed dwellings also improves the relationship between the two properties over the previous refusal and allows for provision of some rear amenity space for the host property. The low level height and design of the proposal would allow the proposed bungalow to be read subserviently to the main dwelling. Overall it is considered that the proposal would integrate well into the street scene and subsequently not cause harm to the character of the street scene and area.

iv) Highway Safety

8.8 The refused application FB/16/00734/FUL sought to provide parking and a new access for the host dwelling directly from Halfrey Road. This work has now been carried out through the applicant exercising their permitted development rights.

8.9 The applicant has advised their deeds confirm that they have the right to use the access onto Halfrey Close, which partially encroaches outside of the defined residential boundary, as a parking space and access and this is the current arrangement. Nevertheless, to address the concerns raised as part of the refused application and comments as part of this application, the proposal has been stepped further back from the frontage to allow a parking space within the curtilage of the bungalow, clear of the access. A single space is considered to be adequate provision for a one bedroom property of this size, especially when combined with the cycle provision and the sustainable location of the site. West Sussex County Council as Highway Authority has raised no objections to the safety of the new access or the proposal as a whole. The proposal therefore accords with policy in respect of highway safety.

v) Recreational Disturbance

8.10 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has agreed to enter into a S106 agreements to provide a financial contribution to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

8.11 It is therefore considered that the proposal would not result in a significant environmental impact on the Harbours Special Protection Area.

vi) Other Matters

8.12 Representations have been received raising concerns about a covenant that is on the land restricting development. This however is a civil matter and is not relevant to the assessment of the planning application. The applicant would need to address the covenant matter separately from the planning application process.

8.13 The site is located within the Apuldram Waste Water Treatment Catchment Zone, there is currently capacity for a new connection for this one new residential dwelling.

8.14 The application involves the loss of one tree to the northern boundary. This has been assessed by the CDC Tree Officer and it is considered that due to the species type and condition, it is not worthy of a tree preservation order. As such it is considered its loss would on balance be acceptable, particularly with the additional landscaping proposed and a replacement tree to the rear garden.

Significant Conditions

8.15 It is considered proportionate to attach a condition which would restrict alterations and additions to the dwelling, due to the constraints of the plot. Details of the landscaping proposals and screen walls or fencing are recommended in the interests of visual amenity. A condition regarding materials samples and to ensure the provision of bin storage and cycle storage would be required.

Section 106 Agreement

8.16 As set out in paragraph 8.10 above, the applicant is liable to enter into a s106 agreement and to provide financial mitigation as set out in policy 50 of the CLP. This development is also liable to pay the Council's CIL charge as it is one new unit of residential accommodation.

Conclusion

8.17 Based on the above assessment it is considered the proposal by reason of its scale, design and siting, combined with the size of the plot, with off road parking and amenity space and the improved relationship with the host dwelling, would result in a form of development that would have no significant adverse impact on the amenity of the surrounding properties and would be in keeping with the character of the area. As such the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.18 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to 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 not be carried out other than in accordance with the approved plans: 011, 1019-5300, CFA FULL BS 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.

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

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

6) Notwithstanding the details as shown on the approved plan, development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels, details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

7) 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.

8) **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.

9) Notwithstanding the details as shown on the approved plans, prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

Once agreed the boundary treatments shall be erected prior to occupation and thereafter the boundary treatments shall be maintained as approved in perpetuity.

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

10) **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. This space shall thereafter be retained for its designated use.

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

11) Prior to first occupation, the replacement tree as shown on plan 1019-5300 'Prunus 'Snow Goose' shall be planted. If the tree within a period of 5 years after planting, is removed, dies or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with the same species and size 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.

12) 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.

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

Reason: In the interests of residential amenity.

14) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A-E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area and due to the constraints of the site.

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) The applicant should note that in granting this permission the Local Planning Authority is making no statement or approval concerning the accuracy of any property boundaries shown on the submitted application plans.

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) 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.

Report to **Planning Committee**
Date **24 May 2017**
By **Director of Planning**
Local Authority **Chichester District Council**
Application Number **SDNP/17/01918/TPO**
Applicant **Mrs D Williams**
Application **Crown raise by up to 5m (above ground level) and give 0.5m clearance around cables on 1 no. Conifer tree (Western Red Cedar – T4) subject to FU/73/01047/TPO.**
Address **Clock Tower Cottage Adsdean Park Road Adsdean Funtington Chichester West Sussex PO18 9DN**

Recommendation: That the application be approved for the reasons set out below and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reason for Committee referral: The applicant is a member of staff

The Conifer (Western Red Cedar) forms part of a line of individually protected trees that make an important contribution to the amenities of the area. The works are limited to raising the canopy of the tree and minor thinning of the canopy to give a 50cm clearance around cables that pass through it. The proposed tree works are considered to be reasonable and appropriate in the context of good arboricultural practice and furthermore would not be detrimental to the long-term health of the tree or to the character and amenities of the area.

1 Site Description

1.1 The application site is situated within a modest, close-knit group of dwellings formed from buildings adjacent to Asdean House, approximately 1.3 kilometres north of Funtington.

1.2 The setting of the building group is rural in character, with woodland blocks to the north east and south west. Immediately to the south west of Clock Tower Cottage is a group of seven individual trees comprising four Oak (T1 to 3 and T7) and three conifer trees (T4 to T6). These trees are subject to tree preservation order; reference FU/73/01047/TPO.

1.3 The tree that is the subject of this application is a Western Red Cedar (T4). The tree is a significant feature with good form located in the centre of a circular turning area at the head of the access drive and approximately 10 metres from Clock Tower Cottage. As part of the larger group of protected trees, the tree makes a positive contribution to the setting of the building group as a whole.

2 Proposal

2.1 The proposal is to crown raise the Western Red Cedar by up to 5 metres above ground level and to provide 0.5 metre clearance around cables that pass through part of the canopy.

3 Relevant Planning History

None recorded

4 Consultations

Parish Council Consultee

Funtington Parish Council does not object to this application.

5 Representations

None received

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)**. **The following additional plan(s) are also considered relevant:**

- 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 parts of the National Planning Policy Framework have been considered in the assessment of this application:

- NPPF – Achieving sustainable development
- NPPF – Conserving and enhancing the natural environment

The following paragraphs of the NPPF are considered to be relevant to the determination of this application:

7, 14, 17, 109, 115, 118.

Paragraph 089 (ID: 36-089-2010306) of the National Planning Practice Guidance is also relevant to the determination of this application. It states;

In considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions.

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

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

- BE14 – Wildlife Habitat, Trees, Hedges and Other Landscape Features

Partnership Management Plan

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.

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1

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

SD12 – Biodiversity and geodiversity

SD37 – Trees, woodland and hedgerows

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th 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 2nd September to 28th 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 works on the tree itself and the contribution that it makes to the amenities of the area.

8.2 The Western Red Cedar is located in the centre of a relatively tight turning head at the end of the access drive. The lower branches encroach over this turning area, making it difficult for service vehicles to manoeuvre without potential damage to the tree itself or to the vehicles. In addition, minor works are required to thin around the route of BT cables that pass through part of the north east sector of the canopy.

8.3 The raising of the canopy and minor thinning works would have a minimal impact on the form of the tree itself and would ensure easier access for vehicles using the turning circle and prevent damage to existing cabling. The tree would remain a significant feature

and continue to make a positive contribution to the sylvan character of the area and setting of Clock Tower Cottage as part of the collective value of the protected tree group.

9 Conclusion

9.1 It is considered that the proposed tree works to the Western Red Cedar are reasonable and justified in order to alleviate the concerns of the applicant and will also help to retain the tree in situ.

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. 2 years trees

The works hereby permitted shall be completed within two years from the date of this consent

Reason: To ensure the work is completed within a reasonable time scale.

2. Works In Accordance with BS.3998 (2010)

All works shall be carried out in accordance with BS.3998 (2010).

Reason – To ensure work of sufficiently high standard is carried out on protected trees and to ensure their health and amenity value is not compromised.

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 local planning authority 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: Henry Whitby
Tel: 01243 534734
email: hwhitby@chichester.gov.uk

Appendices Appendix 1 – Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents CDCLPFR 1999 saved policies, NPPF, NPPG, BS3998 (2010):
Tree work – recommendations

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 - Sketch plan attached to application form illustrating location of 1No. Conifer (Western Red Cedar)			22.03.2017	Approved

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

Report to **Planning Committee**
Date **24 May 2017**
By **Director of Planning**
Local Authority **Chichester District Council**
Application Number **SDNP/17/01361/FUL**
Applicant **Chichester District Council**
Application **To retain a solid timber panel site hoarding around the land north of the Grange Road car park.**
Address **Land of The Old Grange Centre, Bepton Road, Midhurst, West Sussex, GU29 9HD**

Recommendation: That the application be approved for the reasons set out below and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reasons for Committee referral: The applicant is Chichester District Council.

The application is for the retention of the existing timber hoarding surrounding land on which the former Grange Leisure Centre was sited. It is considered that in the context of the temporary nature and screening effect of the structure, the continued presence of the site hoarding would not result in any permanent harm to the character or appearance of the conservation area and therefore subject to conditions limiting the length of time it may continue to remain in situ and to ensure maintenance of its appearance, the application is recommended for approval.

1 Site Description

1.1 The application site comprises land on which the former Grange Leisure Centre was sited. Following a grant of permission in 2011, the previous Grange Centre was demolished and a new centre relocated and built to the east of the site. A new car park of 300 spaces was also provided with the new centre. The site enclosed by the hoarding is now vacant and is awaiting disposal by the District Council.

2 **Proposal**

2.1 This application seeks planning permission for the retention of a solid timber panel site hoarding 2.44m high around the site to the north of the Grange car park. The hoarding follows the contours and boundary of the site. Temporary planning permission was previously granted for the hoarding in 2015; however this permission has now expired.

3 **Relevant Planning History**

SDNP/15/00149/FUL – To erect a new solid timber plain panel site hoarding around the land north of the Grange Road car park. – Approved

MI/11/01179/FULNP – Construction of a New Community Leisure Centre incorporating cafe, library, offices, multi-functional community facilities and sports accommodation. Remodelling of the existing town centre car park to increase capacity to 303 spaces. Permit

4 **Consultations**

Parish Council Consultee

Midhurst Town Council has no objection to this application provided that Chichester District Council maintains the hoarding to a high standard.

5 **Representations**

1 Third Party comment

The need for the hoarding is accepted as this area has not yet had successful planning permission. I would appreciate improved maintenance to match that of contiguous properties. Particularly opposite the Woodland Vet Centre, Grange Road the green paint has come off in large chunks to expose the underlying white paint – not a 'good look'.

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)**. The following additional plans are also considered relevant:

- 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 parts of the National Planning Policy Framework have been considered in the assessment of this application:

- NPPF – Requiring good design
- NPPF – Conserving and enhancing the natural environment
- NPPF – Conserving and enhancing the historic environment

Paragraphs 14, 17, 115, 131, 132, 133, 134

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant to the determination of the application.

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

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

- BE6 – Conservation Areas
- BE11 – New Development

Partnership Management Plan

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.

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

- 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:

- SD6 (Design)
- SD39 (Conservation Areas)

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th 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 2nd September to 28th 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 with this planning application are considered to be:

- The impact of the hoarding on the character and appearance of the Midhurst Conservation Area.
- The impact of the development on residential amenity

-The impact of the development on the character and appearance of the South Downs National Park.

The impact of the hoarding on the character and appearance of the Midhurst Conservation Area

8.2 The hoarding is a temporary form of development and whilst not a particularly attractive feature in the conservation area it is not considered to cause permanent harm to its character and appearance. The application proposal is to retain the existing hoarding which was previously permitted under SDNP/15/00149/FUL but which has now expired.

8.3 On balance, a further temporary permission is considered appropriate whilst the site remains undeveloped. In terms of the need for new development within the Conservation Areas to preserve or enhance character it is considered that whilst the hoarding would not be appropriate as a permanent feature, its temporary positioning around this vacant site will result in the character of the conservation area being preserved. The Town Council's and third party comments are noted and it is considered that a condition requiring the reasonable maintenance of the hoarding is appropriate in this case.

8.4 Therefore the proposal is considered to comply with policies BE6 and BE11 of the CDLP 1999 in that the character of the conservation area will be preserved.

The impact of the development on residential amenity

8.5 Sited immediately to the North West of the site is a mixture of both residential and commercial development to the South is a public car park, with The Grange Community Centre to the East. A brick wall forming the North West boundary is already present, effectively limiting views of the hoarding itself. This application does not propose any further hoarding in front of the existing historic wall and as such there will be little impact on the buildings adjacent to the site.

8.6 The retention of the hoarding does not result in harm to the residential amenity of dwellings on Bepton Road and as such the proposal complies with policy BE11 of the CDLP 1999.

The impact of the development on the character and appearance of the South Downs National Park.

8.7 The location of the site is within the urban fabric of the Town Centre and for the reasons stated above and principally due to its temporary nature, this proposal is not considered to conflict with the purposes of designation of the South Downs National Park.

9 Conclusion

9.1 The temporary retention of the hoarding around the vacant site to the north of the Grange Road car park, is not considered to harm residential amenity or permanently

detract from the character and appearance of Midhurst Conservation Area or the wider South Downs National Park. It is consistent with policies BE6 and BE11 of the Chichester District Local Plan First Review (1999) and the relevant National Policy and Guidance subject to conditions showing its temporary siting and continued maintenance. This application is therefore recommended for approval.

10 Reason for Recommendation and Conditions

It is recommended that the application be approved subject to the conditions set out below.

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'

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

2. The hoarding hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, after 2 years from the date of this permission.

Reason: To enable the Local Planning Authority to review the special circumstances under which this permission is granted.

3. Colour and appearance of hoarding

The hoarding shall be painted/stained in the colour and finish stipulated on Drawing No PW.12037.D.058 and shall be maintained thereafter as approved unless any variation has been agreed in writing by the Local Planning Authority to ensure that the development does not detract from the character and appearance of the Midhurst Conservation Area.

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

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 local planning authority 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

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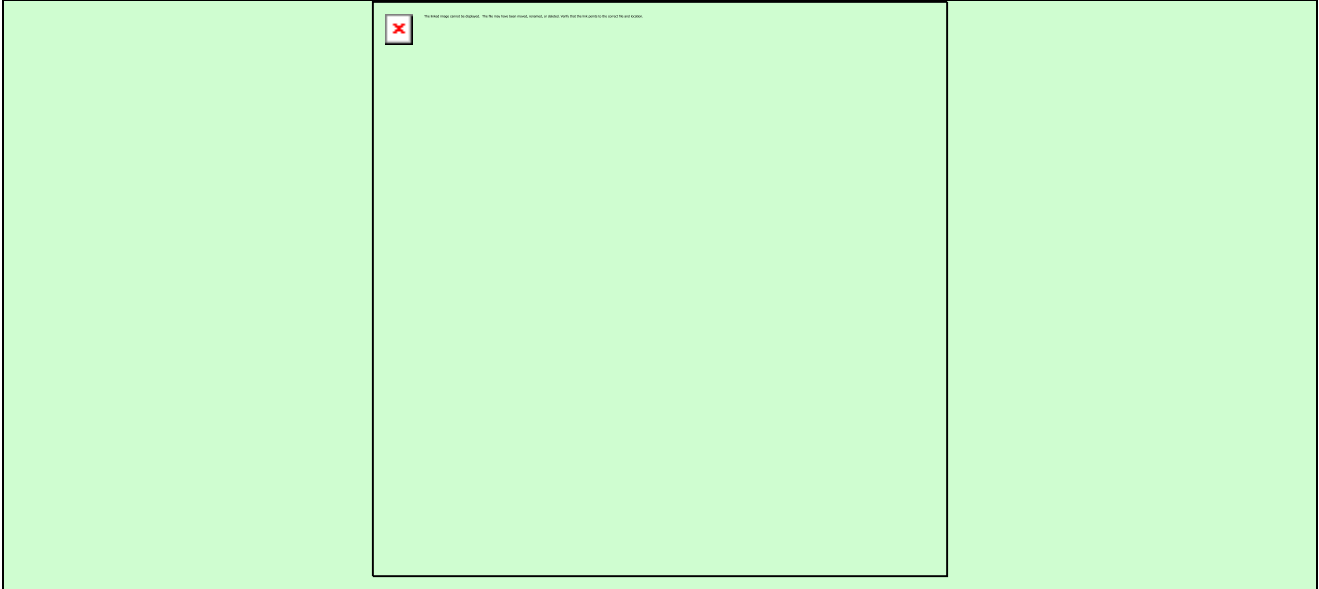
Appendices Appendix 1 – Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees Midhurst Town Council

Background Documents National Planning Policy Guidance; Saved policies of the CDCLPFR 1999; South Downs Management Plan; Draft South Downs Local Plan; Planning (Listed Buildings and Conservation Areas) Act 1990; relevant planning history.

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	PW.12037.D.10 0	A	14.03.2017	Approved
Plans - Site and Hoarding Elevations Plan	PW.12037.D.0 58	A	14.03.2017	Approved

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

Agenda Item 11

Chichester District Council

Planning Committee

Wednesday 24 May 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
SDNP/17/00030/APNB Bepton WR (R Grosso Macpherson)	Padwicks Farm, Whites Lane, Bepton, GU29 0LY - Agricultural storage building.
SDNP/16/05456/HOUS Bury WR (J Shore)	Hollow Farm, The Street, Bury, Pulborough, West Sussex RH20 1PA - Construction of outdoor swimming pool and associated changing room building.
CC/16/03484/FUL WR (C Boddy)	18 Lavant Road, Chichester, West Sussex, PO19 5RG - Demolition of existing property and construction of 3 no. dwellings, with associated access, parking and landscaping.

Reference/Procedure	Proposal
CC/16/03755/DOM WR (P Hunt)	42 Guilden Road, Chichester, West Sussex, PO19 7LA - Demolition of existing side extension and rear conservatory, erection of side two storey extension and rear single storey extension.
CC/16/03916/ADV WR (P Hunt)	The Chantry, 27 - 28 Southgate, Chichester, West Sussex PO19 1ES - 1 no. illuminated fascia sign, 2 no. menu signs, 1 no. non-illuminated projection sign and 2 no. written logo signs. 6 no. flood lights and 2 no. lanterns.
SDNP/16/05784/FUL WR (R Grosso Macpherson)	Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.
SDNP/16/05918/HOUS Graffham FT (B Stubbington)	Summerfield Cottage, Graffham Street, Graffham, GU28 0NP – Proposed new driveway with off road parking.
SDNP/16/00425/FUL Lodsworth WR (J Shore)	Old Bakehouse, Surrey Road, Lickfold, Lurgashall, Petworth, West Sussex, GU28 9DX - Replacement dwelling.
SDNP/16/00204/OPDEV Midhurst WR (S Archer)	Flat 2, Thomond House, North Street, Midhurst, GU29 9DJ – Formation of door opening.
NM/16/03884/OUT WR (Fjola Stevens)	The Pine Place, Lagness Road, Runcton, PO20 1AQ – Outline Application for 4 no. dwelling houses and associated works.
SB/16/00176/CONCOU WR (R Ballam/E Kierans)	Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex - Change of use of land - stationing of containers, paving materials, sheds and play area. LINKED TO SB/16/02811/FUL
SB/16/02811/FUL WR (R Ballam/E Kierans)	Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex - Siting of metal shipping container for storage of agricultural equipment and animal feeds. LINK TO SB/16/00176/CONCOU
WH/16/02827/FUL WR (C Boddy)	Maudlin Mill, Sidengreen Lane, Maudlin, Westhampnett, Chichester, West Sussex, PO18 0QU - Construction of a workshop with first floor office.

2. DECISIONS RECEIVED

Reference/Decision	
SDNP/14/04865/FUL I (D Price) BURY APPEAL DISMISSED	Land North of Junction with B2138 Bury Road Bury West Sussex – Change of use from agricultural land to a Gypsy and Traveller’s site. Linked to SDNP/15/00336/COU
<p>Appeal A Ref: APP/Y9507/C/15/3132202 - The appeal succeeds in part on ground (g) but is otherwise dismissed and the enforcement notice is upheld with corrections and a variation.</p> <p>Appeal B Ref: APP/Y9507/W/15/3019486 - The appeal is dismissed.</p> <p>"... The appellants sought to introduce a ground (b) appeal at a late stage of the Inquiry. From the evidence before me ...I am satisfied that the breach alleged by the Council in its notice had occurred at the time it served the notice...As such, the appeal under ground (b) fails. ...The sites clearly lie within the countryside and are separated from the linear and scattered residential properties that are located on the eastern side of the A29 opposite...The developments in both appeals would be in direct contrast with the rural character of the area and would be an alien feature in the locality...In my assessment the developments would not preserve or enhance the natural beauty of the National Park.... Sustainability - The Framework provides an overall presumption in favour of sustainable development. PPTS requires local planning authorities to ensure that traveller sites are sustainable economically, socially and environmentally...I do not find that the sites are located in a sustainable location in respect of accessibility to services and facilities...Having regard to sustainability considerations set out in PPTS, the sites are located in open countryside where development should be very strictly controlled. The developments would not promote peaceful and integrated coexistence between the sites and the local community as the sites are divorced from the settlements and the local community. I have little evidence before me that it is essential for Mr Stanley to be based at these sites for his work related activities or...reduces his need for long distance travelling...I find that the sites are not sustainable either environmentally, socially or economically and fail to accord with national policy in this regard. Highway Safety - The Council...maintained that safe access could not be achieved by cyclists...I am satisfied that the access arrangements onto the link road provide satisfactory visibility and turning to enable vehicles, including those towing caravans and horse trailers, to enter and exit safely. The A29 is a busy main road...The appellants use Turners Garage and Charlies Farm Shop for shopping and in my view accessing both on foot would result in an unacceptable conflict between vehicles and pedestrians on this stretch of road...I conclude that the developments would result in an unacceptable hazard to pedestrians using the A29 to the south of the appeal sites... Other Material Considerations Need - The Council's position is that the relevant study for the area in which the sites are located is the Coastal West Sussex Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update Report, December 2014 (GTTSAA)...The approach taken in this case considers a very small part of the overall local planning authority area. As such it would appear that the need figures provided are not necessarily based on the best available evidence... However, I have also had regard to the Written Ministerial Statement dated 22 July 2015 that those falling under the definition of a traveller cannot rely on the lack of a five year supply of deliverable housing sites to show the relevant policies for the supply of housing are not</p>	

Reference/Decision Continued

up to date. I am satisfied that the statement represents a material consideration following the judgement and should be given appropriate weight.

COSTS DECISION

"Costs application in relation to Appeal A Ref: APP/Y9507/C/15/3132202 and Costs application in relation to Appeal B Ref: APP/Y9507/W/15/3019486

The application for an award of costs is refused.

... it appears to me in this case that the Council originally raised highway concerns that were clearly substantiated in its decision notice and officer report and following expert highway advice. It subsequently reviewed its position on highway matters prior to the Inquiry...and was satisfied through discussions with the appellant's highway expert that some matters could be overcome with conditions. I do not find that this was an unreasonable position to take and it did not provide evidence to the Inquiry in respect of the withdrawn matters. Notwithstanding the withdrawal of this part of the Council's case...the Rule 6 party, the Bury Gate Neighbourhood Group (BGNG) continued to raise highway safety concerns in relation to visibility in the vicinity of the appeal sites...it was at the appellant's discretion whether a highway expert should be employed to give evidence to the Inquiry in this respect. The appellant chose to do so and given the concerns of the BGNG I do not find this to amount to unreasonable or wasted expense.... Turning to the second element of the reason for refusal. ... I also acknowledge the appellant's contention that locational sustainability was a new reason for refusal introduced at appeal. However, whilst the reason for refusal in the Council's decision notice in respect of Appeal B...clearly references "suitable" access for all people and refers to paragraph 32 of the National Planning Policy Framework (the Framework)...National planning policy in relation to gypsy and traveller sites considers sustainability... is not necessarily limited to the immediate confines of the site itself but can consider the wider implications on accessibility. The provision of evidence on such matters by the Council should not therefore have been a surprise to the appellant...the appellant was aware that the Council was raising an objection on sustainability grounds...and responded accordingly in his evidence... the appellant would have been required to provide evidence in this respect irrespective of the Council's position in this regard...No matters raised alter my conclusion that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated".

[SDNP/15/00336/COU](#)
BURY
I (R Hawks)
APPEAL DISMISSED,
ENFORCEMENT
NOTICE UPHeld WITH
CORRECTIONS

Land North of Junction with B2138 Bury Road Bury West
Sussex - Stationing of two caravans for human habitation.
Appeal against enforcement notice
Linked to [SDNP/14/04865/FUL](#)

Decision as above

Reference/Decision	
CC/16/03777/DOM FT (H Chowdhury) DISMISSED	8 Caledonian Road, Chichester, PO19 7PH – Replacement single storey rear extension.
<p>"... The sense of space and outlook for No. 7 home is relatively tight as things presently stand. The significant height, even allowing for the pitch sloping away, its length and its proximity the development proposed would further reduce these aspects to an unacceptable level. There would be a marked reduction of residential amenity enjoyed by occupiers of No 7. The scheme would be overbearing and lead to an excessive blinkering effect. The development would appear over-large and fail to be suitably subservient to the present property and the extensive rear facing ground floor glazing would not represent suitably subtle or well designed fenestration."</p>	
LM/16/03653/DOM FT (J Cross) DISMISSED	20 Sturt Avenue, Camelsdale, Linchmere – Replacement garage and home office, linked to the existing detached house.
<p>"... Although, the extension would be set back it would still appear as a prominent feature within the street scene as houses in the area are highly visible along the road in any event. The large area of tile hanging would be excessive in comparison to the main dwelling and the general small scale nature of this feature found in the street. The pitch of the roof would be unrelated to that of the main roof and would draw the eye. The mass and bulk of the extension would be significant in comparison to the scale and proportions of the existing dwelling"</p>	
LX/15/00498/ELD I (C Boddy) ALLOWED	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
<p>"... At the Inquiry, the Council confirmed that following the receipt of further evidence from the appellant during the course of the appeal, it no longer contested the appeal. Notwithstanding the Council's position, remit for the appeal remains with the Secretary of State... Given the uncontested nature of the appeal, no cross-examination of witnesses took place... 'Ancillary' denotes some kind of use that is not expected to be found as an integral part of the residential use of the dwelling. In contrast, the word 'additional' indicates a use which is part and parcel of the residential use of the main dwelling as primary accommodation. In this particular case, there is no basis to conclude that the mobile home provided ancillary residential accommodation to Beech Farmhouse. ... The mobile home is a considerable distance away from the farmhouse, outside its curtilage and where the boundary treatment and access road provide clear demarcation between the areas of occupation. There is no visual connection between them. There can be no doubt that there is physical separation between the farmhouse and the land on which the mobile home is stationed. It is common ground that since 2002 the present mobile home continued to exist in the same location. The mobile home has the appearance of a chalet style caravan. ... evidence is required from 16 February 2005. ... At some point in 1991 or 1992, Mrs Harris moved into the mobile home which she used as her sole residence. ... From the outset, the mobile home had its own separate electric and water supplies and telephone connection with fitted central heating using bottled gas.</p>	

Reference/Decision

All utility bills were paid by Mrs Harris' father until the appellant moved into the mobile home in early 2003 who then took over responsibility for the bills. At no point was rent paid by Amanda or James Harris. According to the appellant's testimony, the mobile home was used independently of the farmhouse throughout his occupation. ... They lived as a family in the mobile home until moving into a flat on the farm in January 2006. Two copy tenancy agreements have been provided; one to Ryan Crumley and the other to Dan Birchall. Both documents are unsigned. However, first hand evidence was given by those tenants under oath to the Inquiry. Neither tenant worked or helped out at the farm or farmhouse. The tenancies provide strong evidence of independent residential use of the mobile home from January 2006 until February 2015 when the LDC application was made. If a 10 year period is to be shown, it is the receding period between February 2005 and January 2006 which needs to be analysed in more detail given the family link that existed at that time between the two areas in residential use. ... Having a family connection may increase the likelihood of a mobile home being used together with the house because the relationship invokes familiarity and social ties to facilitate such an arrangement. ... It does not automatically follow though that is what happened in this case. The evidence as a whole must be considered. Much has been made by the appellant in the written evidence of the deterioration in Amanda Harris' relationship with her father and other personal matters affecting her life. Personal issues could be reason why there was a change in how the mobile home was used, but does not prove that the change occurred. ... The events captured suggest family life was being carried on at the mobile home, but they do not demonstrate that it was used independently of the farmhouse. ... The most compelling evidence is the sworn testimony of witnesses describing the use of the mobile home. Amanda Harris explained that once she became pregnant she ceased working at the farm and never returned or helped out following the birth of her child in July 2004. By that time, she had limited dealings with her father due to their strained personal relationship. As the mobile home was fully equipped for day-to-day living, there was no dependency upon the farmhouse. Meals were never taken there and the respective occupants did not socialise together nor was childcare ever provided at the house. In 2009, the farmhouse was sold off and Mrs Harris' father transferred the remaining land and buildings in his ownership to Mr and Mrs Harris. ... Based on the evidence provided, I am satisfied that on the balance of probabilities, the appellant has proved that the land has been in continuous use for the siting of a mobile home as a separate unit of residential accommodation from Beech Farmhouse for at least ten years before the date on which the LDC application was made. ... The parties disagree on how the boundaries should be drawn for the purposes of the certificate. ... the grass have The appearance of lawn associated with the mobile home, its location is conducive to a domestic use. At the time of my visit there was a washing line crossing part of the grass, tied between the mobile home and a telegraph pole. There was also a bird feeder to the side rear and garden storage containers behind the mobile home. It was difficult to tell how long these might have been present and whether refuse bins have always been kept in one corner of the grassed land nearest to the access. However, an electricity meter box attached to wooden posts towards the back of the grassed area looked to have been present for some years judging by its condition. ... Furthermore, there is nothing to contradict the appellant's evidence that the land behind the mobile home was used as part of its garden. ... I conclude that the land in residential use for the requisite 10 year period was, on the balance of probabilities, the area identified by the appellant. ..."

Reference/Decision

COST DECISION

Application A for an award of costs is allowed in the terms set out below.

Application B for an award of costs is refused.

"... When the LDC application was originally submitted, it was supported by signed and dated witness statements from the appellant and two tenants who subsequently occupied the mobile home. The statements confirmed that those individuals lived in the mobile home between specified dates. However, each statement said "The Log Cabin2 is a separate dwelling from Beech Farm", without making any reference to the use. Just because they are separate dwellings does not mean the mobile home was occupied as a separate unit of accommodation. It is the use of land which is the key factor. If the witnesses meant to refer to how they occupied the mobile home, it is not what they said and cannot be inferred. Even if the words were capable of interpretation to mean the mobile home is "occupied as" a separate dwelling, the use of the word "is" in the present tense still raises uncertainty. It does not mean that the mobile home was used independently throughout each period of occupation. The way the statements are framed lacks sufficient detail to be clear if a material change of use had occurred which was immune from enforcement action. Thus, the witness statements are imprecise and ambiguous. Had they been expressed in clearer terms then statements might have sufficed to enable a LDC to be granted. As it was, the information within the witness statements was not enough to demonstrate independent use for the requisite 10 year period. The Council rightly sought clarification. When presented with such unclear statements, the Council had every reason to enquire about the occupancy by Mr and Mrs Harris. That is particularly so when a family connection to the farmhouse was known to exist in 2002 because of details in the 2003 LDC application. Without exploring the basis of the new application it was unclear if the use only a year on when Mr Harris' occupation commenced was in different terms. The approach taken by the Council was not a case of applying planning judgement, but clarifying what was being claimed in circumstances where the evidence presented was less than clear. When no clarification was forthcoming apart from the submission of a bank statement and bills of limited evidential value, the Council had no option but to refuse to issue a LDC. The burden of proof upon the appellant had not at that time been discharged due to the ambiguity in the witness evidence. To my mind, the Council officer's assessment was simply stating that the mobile home was capable of being used as additional accommodation to the main dwelling i.e. in the same way as it had before. The mobile home had not been moved and so rather than being speculative, I consider it to be a legitimate point in circumstances where there was an inadequacy of evidence of actual use. The Council's decision was justified. In arriving at its decision, the Council had written to the appellant twice to invite clarification and allowed several weeks for information to be provided. Indeed, the appellant's agent did not query the need for further information but indicated that more supporting information would be available. In making the appeal, the appellant wrote "Further evidence will be submitted in addition to that already put forward to prove on balance of probabilities that the mobile home has been in continuous residential use independent of Beech Farm House since 2003". That information was eventually produced around the time of the extended deadline for the submission of proofs of evidence. Having reviewed that evidence, the Council decided not to contest the appeal. The additional information subsequently produced included tenancy agreements and more detailed witness statements, plus a statement from

Reference/Decision	
<p>Mrs Harris. If the information provided in this appeal had been made available when requested by the Council then the appeal could have been avoided. That is evident from the Council's decision not to contest the appeal following its receipt. It was unreasonable for the appellant to leave it so late in the day before producing information to clarify the application which had been requested repeatedly and should have been capable of easy compilation. Application A - I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified. Application B - I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. ..."</p>	
<p>SY/16/02694/FUL WR (M Tomlinson) DISMISSED</p>	<p>47 Gainsborough Drive, Selsey, PO20 0HG - 1 no. dwelling.</p>
<p>"... The proposed plot would be narrow and the two storeys of the proposed attached dwelling would largely fill that plot width. The proposed dwelling would be visible in the approach over the open plan gardens and bungalows, including the adjacent bungalow with small rear garden fronting Landseer Drive to which it would be in close proximity. This would result in the building being prominent in views along Gainsborough Drive and appearing cramped on the site, dominating the adjacent bungalow. ... In order to provide a more gradual transition from the existing two storey house to bungalows adjacent, the proposed pitched roof would be lower than the existing. However, there would be a flat roof over the projecting two storey front element that would be prominent on the front of the building and would appear incongruous within the surrounding development, where two storey buildings have pitched roofs. For these reasons, I conclude that the proposed new dwelling would harm the character and appearance of the existing building and surrounding area. As such, it would be contrary to Policies 33 and 47 of the Chichester Local Plan (LP) and the National Planning Policy Framework (the Framework) that seek to ensure new development meets the highest standards of design and that they recognise, respect and enhance the local distinctiveness and character of the area. The bungalow at 53 Landseer Drive backs onto the proposed dwelling at 47 Gainsborough Drive and has a small rear garden dividing that bungalow from the property. To the rear of that property is a small flat roofed extension that further reduces the size of that garden, with a flat roofed garage to the side of the rear garden and adjacent to the proposed dwelling. The proposed dwelling would bring two storey built development significantly closer to the boundary with that neighbouring bungalow over a full two floors. Whilst the ridge of the proposed dwelling would be lower than that on the existing dwelling, the eaves would remain at the same level such that the proposed dwelling would dominate the rear garden of that neighbouring property. The proximity, height and bulk of the proposed dwelling would result in it being overbearing and oppressive on the rear of the neighbouring bungalow and its garden. ... For these reasons, I conclude that the proposed new dwelling would have a harmful effect on the outlook of occupiers of the neighbouring dwelling at 53 Landseer Drive, such that it would significantly harm their living conditions. As such, the proposed development would be contrary to Policy 33 of the LP and the Framework that seek to ensure development does not cause harm the living conditions of neighbouring occupiers. ... I note that the appellant has suggested they would seek to address this matter in a future planning application, however no legal agreement or other means to secure the appropriate contribution has been supplied with this appeal. For the above reasons I</p>	

Reference/Decision	
<p>conclude that, in the absence of an appropriate planning obligation, the development would harm the Pagham Harbour SPA. As such, the development is contrary to Policy 51 of the LP, the SPD and the Framework that seek to protect the SPA from development that would affect its integrity. I note that the proposed dwelling would contribute in a small way toward the need for new dwellings in this area and small infill development can provide a positive and delicate approach to the provision of new housing. The proposed dwelling would meet relevant standards for new homes and the Council do not object to the proposed access and parking and I see no reason to disagree with their conclusions in this regard. However, these matters are not sufficient to outweigh the harm I have found of the proposed new dwelling on the character and appearance of the area, the living conditions of neighbouring occupiers and the effect of the development on the SPA. ..."</p>	
<p>SDNP/16/05247/HOUS STEDHAM FT (R Macpherson) DISMISSED</p>	<p>Russetts, The Alley, Stedham – Proposed front dormer window.</p>
<p>"... The scheme proposed would be a major alteration to the cat slide roof's shape and form. This new addition would dominate this side of the building, bear no relationship to what lay below at ground level, and even look out of scale to the main house. It would appear ungainly and top heavy; there would be a lack of sympathy with the existing building design. There would be no sense of subordination to this part of the house and too much of the cat slide roof would be lost. The design has taken little in the way of cues from the property's front elevation or its surroundings. There is a great variety of roof forms found locally but almost without exception dormers and other elements at upper level display subtlety. This whole composition would lack suitable subservience and would be jarring on the eye; it would detract from the aesthetics and character of the property itself and the wider area. This dormer, of gable end scale, would simply look too large relative the roof and it would appear most ungainly..."</p>	

3. OUTSTANDING APPEALS

Reference/Status	Proposal
<p>BI/15/00139/CONSH PI (S Archer) Adjourned until 22.05.17 CDC Committee Room 2</p>	<p>Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – Access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV</p>
<p>BI/15/00194/CONTRV PI (S Archer) Adjourned until 22.05.17 CDC Committee Room 2</p>	<p>Land North West of Premier Business Park Birdham Road Birdham, West Sussex - Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH</p>

Reference/Status	Proposal
BI/15/01288/FUL PI (S Archer) 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
SDNP/16/02175/FUL BURY WR (B Stubbington) In Progress	Timberley Farm Bury Common Bury Pulborough West Sussex RH20 1NP - Widen existing farm entrance.
SDNP/16/04313/FUL 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.
SDNP/16/05456/HOUS 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.
CC/16/02363/FUL 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.
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 CH/16/01902/PA3P
CH/16/01902/PA3P H (M Tomlinson) 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

Reference/Status	Proposal
E/16/01459/FUL WR (C Bartlett) In Progress	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 E/16/02914/FUL
E/16/02914/FUL WR (C Bartlett) In Progress	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 E/16/01459/FUL
SDNP/15/03654/FUL 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.
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) Hearing to be held 10am 12 July at Chichester District Council	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 SDNP/16/04559/FUL
SDNP/16/04559/FUL Lurgashall H (J Shore) Hearing to be held 10am 12 July at Chichester District Council	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
O/16/02254/OUT I (J Bushell) Public Inquiry to be held 6 & 7 June – WSCC at 10am 13 &16 June – Chichester Park Hotel at 10am 14 June – Vicars Hall at 10am 15 June – Oving Jubilee Village Hall at 10am	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.
PS/13/00015/CONCOU I (R Hawks) Inquiry to be held on 12, 24 & 25 May 2017 at Brinsbury College, Pulborough	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.
SY/16/02196/FUL WR (P Hunt) In Progress	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
SB/16/00757/FUL WR (C Bartlett) In Progress	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.
WE/15/00363/CONBC H (R Hawks) Hearing to be held on 16 May – City Council	The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Breach of condition 2 to 12/00559/FUL - occupation agricultural. LINKED TO WE/15/03965/FUL
WE/15/03965/FUL H (C Boddy) Hearing to be held on 16 May – City Council	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
Reference/Status	Proposal

Reference/Status	Proposal
WE/16/00565/FUL WR (C Boddy) In Progress	Land West Of Jubilee Wood Hambrook Hill North Hambrook West Sussex - Agricultural building, compound and access track.
WE/16/01218/OUT 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
NONE

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
Barn North of Hunston Dairy Farm	Breach of Condition Notice	Court date awaited.
37 North Street, Midhurst	Breach of Enforcement Notice	Court date: Worthing Magistrates on 2 June at 10:00am

7. POLICY MATTERS

NONE