

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 19 July 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, Mrs P Tull and Mr D Wakeham

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 21 June 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 16 (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 12 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **E/16/03235/FUL - Earnley Grange, Almodington Lane, Almodington, Earnley, PO20 7JS** (Pages 3 - 12)
Retrospective application for conversion of redundant agricultural building to A3 cafe. Existing shed rebuilt to house toilet and proposed shed to be used as a shop.
- 6 **EWB/17/00374/FUL - Land East Of 10 Downview Close, East Wittering, PO20 8NS** (Pages 13 - 24)
4 no. semi-detached houses with associated parking and landscaping.
- 7 **TG/17/00468/FUL - Land West Of Kimkarlo, Church Lane, Tangmere, PO20 2EZ** (Pages 25 - 37)
Erection of 2 no. detached dwellings and new shared car port.
- 8 **WE/17/00670/FUL - Meadow View Stables, Monks Hill, Westbourne, Emsworth, West Sussex, PO10 8SX** (Pages 38 - 46)
Change use of land for the retail use of selling Christmas trees for the period of 1 month each year start 24/11 to 24/12.
- 9 **WW/16/04141/FUL - The Ark, 35 Marine Drive West, West Wittering, PO20 8HH** (Pages 47 - 58)
Demolition of an existing two storey detached dwelling and erection of a new two storey replacement dwelling.
- 10 **SDNP/16/04519/FUL - Copse Cottage, Norwood Lane, East Lavington, Petworth, West Sussex, GU28 0QG** (Pages 59 - 82)
Replacement dwelling and associated garaging.
- 11 **SDNP/16/05874/FUL - Bury Gate Farm, Bury Gate, Bury, RH20 1HA** (Pages 83 - 106)
Replacement dwelling and associated outbuildings.
- 12 **SDNP/16/03917/FUL - The Hungry Guest, Saddlers Row, Petworth, GU28 0AN** (Pages 107 - 115)
Installation of two vent pipes in roof.
- 13 **Land west of Centurion Way and west of Old Broyle Road, Chichester - Progress of the S106 agreement and commercial negotiations update** (Pages 116 - 120)
The Planning Committee is requested to consider and note the report.
- 14 **Schedule of Outstanding Contraventions** (Pages 121 - 143)
The Planning Committee will consider the quarterly schedule which updates the position with regard to planning enforcement matters.
- 15 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 144 - 155)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 16 **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

17 **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)

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

TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order

Chichester District Council

Planning Committee

Wednesday 19 July 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: Earnley	Ward: East Wittering
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E/16/03235/FUL


Proposal Retrospective application for conversion of redundant agricultural building to A3 cafe. Existing shed rebuilt to house toilet and proposed shed to be used as a shop.


Site Earnley Grange Almodington Lane Almodington Earnley PO20 7JS

Map Ref (E) 482569 (N) 97096

Applicant Mr Ian Parker

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 Taylor - Exceptional level of public interest.

2.0 The Site and Surroundings

2.1 The application site lies within the rural area to the south of Almodington within the parish of Earnley. Almodington does not have a settlement boundary, it is a rural settlement with a dispersed pattern of development primarily associated with the nurseries on Land Settlement Association (LSA) plots.

2.2 The application site comprises a collection of former agricultural buildings to the north of Earnley Grange, a Grade II Listed Building with gardens, tennis court and swimming pool on the land separating the application site from the dwelling. Almodington Lane lies to the north of the site, and the site is accessed from a lane off Almodington Lane serving several properties including Earnley Grange and the surrounding farm land. There is a public footpath to the west of the site.

3.0 The Proposal

3.1 The application seeks retrospective planning permission for the conversion of a redundant agricultural building to a café (use class A3), the conversion of a shed into a shop and the provision of toilet facilities within a further shed which has been re-built.

4.0 History

04/01106/LBC	PER	Change of use of redundant garage building to 1 no. residential unit.
04/01112/FUL	PER	Change of use of redundant garage building to one residential unit.
90/00020/E	PERMIT	Replace outer slate clad slopes with old clay tiles, insertion of structural steelwork and replacement of attic flooring, raising centre well section and upgrading/replacing wood timbers to South roof and adjacent ceilings.
08/01637/DOM	WDN	Replacement ancillary building.
08/04697/DOM	PER	Replacement ancillary building.
09/01294/DOM	PER	3 no. loose horse boxes on existing hardstanding.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Having reviewed this application Earnley Parish Council Planning Committee supports the application which respects and enhances the landscape character of the area, supports rural regeneration and has provided employment opportunities without significant alterations or extension to the building and will facilitate the economic and social wellbeing of the area.

6.2 WSCC Highways

No objection. Condition requiring the parking to be constructed in accordance with the site plan requested.

6.3 CDC Environmental Health

No objection.

6.4 CDC Historic Buildings Adviser

The proposed café building may be curtilage listed if it was within the same ownership as Earnley Grange at the time of listing in 1986. The information submitted does not detail the works undertaken to convert the buildings, however the café and shop buildings appear to be akin to garden structures due to fenestration, though it is not clear from the information available whether this has caused any harm.

6.5 5 letters of objection have been received from third parties on the following grounds:

- a) concern proposal would lead to further expansion
- b) abundance of protected species that frequent the field where car parking is proposed
- c) access to the café site and car park is located on a dangerous bend
- d) car park location shown is currently large enough for approximately 20 vehicles on agricultural land, adjoining land used for overflow parking

- e) signage on access is dangerous
- f) parking could be provided to the rear of the buildings on the gravel area
- g) opening times are less than requested (closing between 3pm and 6pm depending on season and day of the week)
- h) already a café at Butterfly Gardens nearby, there is no need for a cafe
- i) wedding receptions in the evening have causes noise and disturbance
- j) deliveries cause disturbance

6.6 7 letters of support have been received from third parties commenting on the following:

- a) cafe is a welcome addition to an area with limited facilities
- b) property is screened by trees and shrubs
- c) provides a meeting place for residents, walkers and cyclists
- d) can see car park from property, no objection, it is a useful addition to the local community
- e) living a few hundred meters from the access not noticed any increase in volume of traffic or problems at the junction, only concern is parking for 300 cars as this is far larger than the café can justify
- f) it's a small business targeted at local residents, local holiday makers, people visiting the Medmerry site and passers-by avoiding busy main roads
- g) other than a large planned event only a small number of cars park regularly, the parking area is only visible from the road if looking for it, and is not a distraction to road users or detriment to the rural integrity of the area. It could be screened by hedge planting
- h) traffic is generally slow moving due to the bend in the road and due to level of traffic it only likely to 'back up' on a small number of occasions
- i) parking area is unlikely to affect wildlife
- j) not detrimental to the environment

Applicant/Agent's Supporting Information

6.7 The agent has provided supporting information to explain that they have contacted Heritage England regarding the listing status for the buildings, the thatched barn (which is not to be altered) has been re-built several times and the café building is 100m from the listed building and does not convincingly fall within the curtilage of Earnley Grange according to their maps. The agent has also confirmed that the late opening hours are proposed to allow for occasional evening events, such as charity events or private functions.

7.0 Planning Policy

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 Earnley 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 3: The Economy and Employment Provision

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

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

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

National Policy and Guidance

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

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

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

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and sections 3, 4, 7, 11 and 12 generally.

Other Local Policy and Guidance

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

- Maintain low levels of unemployment 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) Principle of development
- ii) the rural character of the area
- iii) the amenity of neighbouring properties
- iv) highway safety
- v) heritage assets
- vi) other matters

Assessment

i) Principle of development

8.2 The application seeks planning permission to convert 2 existing buildings to provide a shop and café, with a small shed building being re-built to provide associated toilet facilities. The application site lies in the rural area where policies 1, 2 and 45 of the Chichester Local Plan (CLP) restrict new development to development that requires a countryside location and meets an essential small scale and local need. However, policy 46 of the CLP allows for the conversion of existing buildings within the rural area to help build sustainable rural communities and aid economic diversification without the need for new buildings. This is in line with paragraph 28 of the National Planning Policy Framework (NPPF) which requires a positive approach to economic growth in the rural area in order to promote a strong rural economy. The proposed shop and café uses are of a small scale (39 and 68 sq.m.) however they would none the less benefit the local economy, provide services for local residents, tourists and provide employment for 3 part time workers. Although the site lies within the rural area, there are residents within walking distance of the site, and whilst it is acknowledged that many people visiting will travel by car it is considered that due to the scale of the proposed development, this would not result in such a material increase in vehicular movements to or from the site to warrant refusal on this basis.

8.3 The conversion of rural buildings would only be permitted generally where the buildings are capable of conversion without significant alteration or extension. The works to the buildings have been carried out and therefore it is not now possible to consider the extent to which the buildings were structurally sound or the extent of the works carried out. However, no comments have been received to suggest the café or shop building have been re-built to accommodate the proposed change of use and the buildings are modest in terms of scale and appearance. It is therefore considered that based on the development as carried out that the proposal is acceptable in this respect.

8.4 In conclusion, it is considered that whilst the site lies in the rural area and therefore is not within a sustainable location, the scale of the development, the character of the area with rural attractions such as the Medmerry site popular with walkers, and the economic benefits of the proposal indicates that on balance, the proposed café and shop use would constitute an appropriate form of rural diversification in this area that would help support the local rural economy.

8.5 Notwithstanding the proposed use being acceptable, the development as proposed would include an area of car parking on land adjacent to the café and shop on agricultural land. There are concerns regarding the impact of the proposed parking area upon the landscape and character of the area as set out below, and therefore whilst the proposed use would be acceptable it is not possible to support the principle of the development as a whole.

ii) Impact upon rural character of the area

8.6 The café and shop buildings are set within a small cluster of buildings to the south of Almodington Lane. Whilst the buildings are visible from Almodington Lane above a flint wall and fence on the northern boundary of the site, due to their traditional or agricultural form and their orientation within a courtyard area, the commercial use of the buildings and the associated

paraphernalia such as the seating areas would not have a significant impact upon the character and appearance of the surrounding area.

8.7 The proposed parking area would be located to the east of the cluster of buildings on the opposite side of the lane from which there would be access. The parking area would be clearly visible from Almodington Lane, and the main lane from which would be accessed, and across the fields which form part of a relatively flat and open landscape. It is considered that the proposed parking area which would measure approximately 23m x 18.5m, providing space for approximately 16-18 vehicles, would encroach out into the rural landscape and away from the cluster of buildings and Earnley Grange itself. A car park of this size within the open field would have a significant detrimental impact upon the character and appearance of the rural area. Such an impact would be contrary to policies 47 and 48 of the CLP which seek to ensure that new development would not harm the local landscape character or the integrity of open and undeveloped areas.

8.8 It has been suggested that the visual harm could be mitigated by the planting of screening, however it is considered that such planting would be likely to appear incongruous within the open rural landscape given the proposed position of the car parking within an open field. Development should not be permitted if landscaping is required to obscure it, and in any event planting is unlikely to successfully screen all the vehicles parked when in use given the area would require an access for vehicles to enter and exit the area. In addition to the concerns about the visual impact of the proposal as submitted it is considered important to note that at present the parking area is not surfaced, however it is a concern that it would not be practical to park on a muddy field during the winter months, and the proposed arrangement to leave the parking area unsurfaced could result in mud being transported onto the highway, to the detriment of the safety of highway users. Although any hard surfacing proposed, which may be required to overcome these concerns, would be within the control of the Local Planning Authority it is considered that any form of surfacing would exacerbate the visual harm of the proposed development, it is therefore considered that it would not be appropriate to condition details of hard surfacing and it would also not be prudent to grant planning permission for a development which is likely to give rise to further harm.

8.9 For the reasons set out above it is considered that the proposed parking area associated with the proposed café and shop would cause significant harm to the landscape and the rural character of the surrounding area, contrary to national and local planning policies. During the course of the application officers have sought to negotiate amendments to the proposed parking arrangements to address the concerns identified.

For example, should the parking be re-sited to the land to the west of the proposed shop, or within a courtyard area between the shop and the café the impact upon the wider landscape would be much reduced. Alternatively, the combination of a car park alongside the buildings, with a small over-flow area in the form of a layby on the lane adjacent to the proposed access would also be likely to be acceptable, given that this would result in a small and contained area of parking that could be edged with a post and rail fence or hedgerow to separate it from the open field. The applicant has not provided any amended plans in line with the suggestions made.

iii) Impact upon the amenity of neighbouring properties

8.10 The Council's Environmental Health team were consulted with respect to any noise and odour implications from the proposed café use and the impact upon the amenity of neighbouring properties. The Environmental Health Officer has advised that due to the scale of the operation a domestic type extraction fan would be sufficient for the kitchen and there would be no requirement for a commercial extraction system and the proposed refrigeration would be via self-contained units, thereby ensuring that the kitchen equipment would not result in a source of noise and odour would be managed appropriately. In addition, the application site is well distanced from residential properties and the businesses operate primarily during the day with some evening activity, and as a result the proposal would not have an adverse impact in respect of noise and disturbance to residential properties. It is therefore considered that the proposal would be acceptable in this respect.

8.11 It is noted that objections have been received in relation to noise and disturbance caused by evening events. It appears that these events are not so much linked to the shop and café which is the subject of this application, and instead occasional events and functions such as charity events and weddings. Part of the concern also relates to the provision of parking for 300 cars. The application site is limited to the area surrounding the shop and café and the proposed parking area, which would not be of a size to accommodate 300 cars. If the applicant wishes to hold weddings or other events on a larger area in and around Earnley Grange then this would need to be the subject of a separate application, and therefore this cannot be assessed as part of this application. The proposed opening hours for the small shop and café would not lead to a significant impact upon the amenity of nearby properties due to the distance between the site and neighbouring properties and the scale of the proposed business. It is therefore considered that the proposal would not have an unacceptable impact upon the amenity of neighbouring properties.

iv) Impact upon Highways

8.12 The proposed development would include a car park on land to the east of the lane that serves Earnley Grange and approximately 5 other properties as well as the surrounding farmland. . The proposed parking area would be approximately 23m x 18.5m. No details have been submitted with respect to the proposed surfacing of the parking area. The application form indicates that parking would be provided for 300 cars. The area for parking as shown on the plans would not be of a size to accommodate such a large number of vehicles, and the application has been considered based on the area of parking shown on the plans rather than the 300 spaces noted on the form.

8.13 West Sussex County Council as the local highway authority has advised that the proposed development would not have a severe impact upon the operation of the highway network and therefore the proposal would comply with the NPPF and there would be no transport grounds to resist the proposal. Specifically, the Highway Authority considers that the existing access onto Almodington Lane has adequate visibility splays and is of a sufficient geometry to accommodate the anticipated level of vehicular activity, the small increase in traffic movements would not be material when compared with the historic use of the site and small scale of the operation, the proposed parking area would be sufficient and would be of a size to accommodate on-site turning and so it would be unlikely that on-street parking would take place as a result of the proposal.

8.14 The Highway Authority acknowledges that given the lack of footway links between the site and bus stops or residential amenities the majority of visits would be via car, however this would not be materially different to the permitted or historic uses on the site. Given the proposal would meet the requirements of the Highway Authority it is considered that subject to conditions the proposal would benefit from safe and adequate access and parking arrangements in accordance with policy 39. Notwithstanding this, the landscape impact of the proposed parking area upon the locality, as set out in paragraphs 8.4-8.6 of this report would be such that the proposal would be unacceptable in respect of its parking arrangements.

v) Impact upon heritage assets

8.15 The proposed site lies to the north of Earnley Grange, a grade II listed building. The relationship of the buildings to the listed building has been queried by the Historic Buildings Advisor in order to establish whether any of the buildings to which the application relate would be curtilage listed buildings. It is accepted that the building in use as a shop is a modern agricultural building that would not be curtilage listed. The café building is an older structure, however mapping records indicate that the historic agricultural buildings on the site have changed over time, and there appears to be a mature planted boundary that has historically separated the dwelling from the wider agricultural land around the listed building. It is therefore not clear that the building would constitute a curtilage listed building, and it is considered that this would not warrant refusal of the application.

8.16 It is considered that due to the distance between the proposed development and the listed building and the sense of separation as a result of boundary treatments combined with the low key character and appearance of the buildings, the built form and the commercial use would not detract from the setting of the listed building.

8.17 The proposed parking area would be sited between Almodington Lane and the entrance to Earnley Grange. It is considered that whilst this parking area would be set away from the listed building, given its prominence within the landscape it would affect the setting of the listed building. The proposal would therefore not be acceptable in this respect.

vi) Other matters

8.18 A number of objections relate to the signage at the entrance to the access and on Almodington Lane. Signage does not form part of the proposal, and any signage required to support the use would be the subject of an application for advertisement consent. Therefore any concerns about signage would not warrant a reason for refusal.

8.19 A number of concerns have also been raised regarding the impact upon wildlife. There is no information to subject that the works to the buildings caused harm to any protected species, and given the parking area would be on an area of grass and would not result in the loss of planting or other habitat it is considered that this would not be a reason to warrant refusal.

Conclusion

8.20 Based on the above it is considered the proposal is contrary to development plan policies 1, 45, 47 and 48 and therefore the application is recommended for refusal.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

1) The proposed development by reason of the siting and size of the proposed parking area in a prominent location on agricultural land would detract from the flat, open, rural character of the surrounding rural area and the setting of the Grade II listed building known as Earnley Grange, and therefore would have a significant adverse impact upon the local landscape and the adjacent heritage asset contrary to the Core Principles and sections 7 and 11 of the National Planning Policy Framework and Policies 1, 2, 45, 47 and 48 of the Chichester Local Plan: Key Policies 2014-2029. There are no material considerations that would outweigh the harm caused by the proposed development.

INFORMATIVES

1) This decision relates to the following plans: 16A_058 002A, 004B and 005

For further information on this application please contact Rachel Ballam

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/00374/FUL


Proposal 4 no. semi-detached houses with associated parking and landscaping.


Site Land East Of 10 Downview Close East Wittering PO20 8NS

Map Ref (E) 480190 (N) 96958

Applicant Mr S. J. Cobden

RECOMMENDATION TO PERMIT WITH S106



	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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located within the settlement of East Wittering, situated to the east of the central hub of services and amenities on the northern side of Stocks Lane, in an area characterised by residential properties of a terraced 1950s style.

2.2 The site comprises two parcels of land between nos. 10 and 11 Downview Close, the access road to the recreation ground to the rear, subdivides the site. The land is laid to grass, with a pedestrian footpath leading to the sides of each site. The bowls club, football ground and children's play park are located to the north of the site and garaging compounds associated with the properties at Downview Close to the north east and west. To the east and west are the terraced properties forming Downview Close. To the south is an area of open landscaped space, which separates Downview Close from Stocks Lane.

3.0 The Proposal

3.1 The proposal seeks planning permission to erect a pair of semi-detached dwellings on each plot of land. The western pair would measure 4.2m in width each and the eastern pair marginally larger at 5m each. Both sets of properties would be 10m deep, with the addition of a 1.4m porch addition.

3.2 Plot 1 would be set close to the neighbouring boundary, with plot 4 set off the neighbouring boundary by 1.4m. The proposals would be slightly staggered, but would follow an existing front building between the terraces of properties on Downview Close.

3.3 Internally the proposals would comprise a living room to the rear, with open plan kitchen and dining room to the front and a W.C in the porch. At first floor for plots 4 and 5 there would be provision for 3 bedrooms and a bathroom and at first floor for plots 1 and 2 there would be provision for 2 bedrooms and a bathroom. Each dwelling would have off road parking to the front and a cycle and bin store the rear garden. They would be constructed of brick, with weatherboarding at first floor and a tile pitched roof.

4.0 History

16/01593/FUL

WDN

4 no. semi-detached 3 bed houses with associated parking and landscaping.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION: The location of this site is situated either side of the narrow approach road to Downview Public Open Space which has a childrens playground and is also home to the Bowls Club and the thriving Junior Football Club. Although there is a small area of grass where the Bowls Club and Junior Football Club can park, there is a lot of roadside parking by park users, particularly on match days, which would be rendered impossible if this application is permitted in its current format. The open aspect to Downview Open Space allows a free view into the park and playground making it easy to monitor by police and easily accessible by emergency vehicles and the general public. The proposed houses and fencing would obscure the view and effectively close off the park to the detriment of the amenity of the area and give an unacceptable sense of enclosure. We believe that this development could contravene policy 33 of the Chichester District Local Plan. The approach road and the footpath (which is the only access) is constantly used by children and other members of the public coming and going to the park, some of whom are elderly, and their safety must be a priority. The plans show the site extends over the footpath which the Parish Council believes it owns and will force users into the road. The proposed building line will restrict the usage of this already busy access. In order to address incidents of anti-social behaviour, and which could possibly re-occur in the future, there is a need for a clean line of sight to enable efficient monitoring. The narrow private access road from Stocks Lane to Downview Public Open Space is the responsibility of the Parish Council and has suffered no significant damage for over seventeen years during its normal use. During the construction period this road and pavement must remain open and safe for pedestrians and vehicles to use the Open Space and any damage to the pavement or road must be made good as a condition of development. There must be no parking of vehicles associated with the construction on this access road, we also ask that this be made a condition if permission is granted. It is imperative that the access road be maintained as a safe place without restricted views or hazards of any kind. The Council understands the desire of the developer to build on these plots, but thinks that one house each side, with open plan gardens would preserve the aspect and character of the area. The current application is cramming and over development.

6.2 Third Party Objections

5 letters of objection have been received concerning:

- Remove the ability to provide surveillance into the recreation ground
- Out of character due to design
- Safety concerns due to access, parking, removal of footpath
- Insufficient parking levels

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 Parish at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 29: Settlement Hubs and Village Centres

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

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) and sections 6 and 7 generally.

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

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD

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

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact on amenity of neighbouring occupiers
- iii) Impact upon visual amenity and character of the area
- iv) Highway Safety
- v) Housing Mix
- vi) Recreational Disturbance
- vii) Ecology
- viii) Other matters

Assessment

i) The principle of development

8.2 The application site lies within the East Wittering Settlement Boundary as defined by policy 2 of the Local Plan, where new development will be permitted provided it is otherwise in accordance with the Local Plan. East Wittering benefits from a range of services and facilities and is designated as a settlement hub Policy 2 of the Local Plan. The principle of development within the settlement boundary is acceptable, subject to other development management considerations.

ii) Impact on amenity of neighbouring occupiers

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 Local Plan seeks to protect the amenities of neighbouring properties. The proposed development would be located to the side of the properties known as 10 and 11 Downview Close, where there are no side windows facing the application site. Plots 1 and 2 would be set approximately 1.4m forward of the neighbouring property, no.10, with the single storey porch a further 1.4m in front of the proposed dwelling. The porch additions to plots 3 and 4 would be set in line with the neighbouring property's principal elevation and to the rear it would project 1.2m beyond the rear wall of No.11, with a separation distance of 1.2m to the boundary. It is not considered there would be any adverse overbearing impacts on neighbouring properties as a result of the siting of the proposed development, nor would it result in loss of light or overlooking. The proposal would be set in excess of 65m from existing properties to the south and there is an open recreation ground to the north. As such, the proposal would not cause harm to the amenity of any neighbouring properties.

iii) Impact upon visual amenity and character of the area

8.4 The proposal would in part infill the gap between nos. 10 and 1 Downview Close, with the access road to the recreational land to the rear remaining in place and serving as a visual gap between the rows of houses to each side of the road. The Parish Council and a third party have raised concerns that infilling this gap would erode the spatial qualities of the area and cause harm to its visual amenity. Furthermore that it would reduce the surveillance towards the recreation ground. Plot 2 would encompass the existing western footpath which leads to the recreation ground to the rear, however soft landscaping would be provided along the roadside. Plot 3 would retain the eastern footpath, with soft landscaping and a boundary fence positioned 1.4m back from the footpath. The recreation ground to the rear would remain visible through the existing access road and the retention of 6m gap between the proposed properties boundary fencing. This would allow for the ability to continue surveillance of the recreation ground to the rear when viewed from Downview Close and Stocks Lane. Furthermore, the four proposed dwellings would provide additional surveillance of the recreation ground. The retention of the access road and the use of landscaping to soften the appearance of the new development would ensure that whilst there would be a greater sense of enclosure than the current arrangement this would not cause any significant harm to the visual amenity of the locality.

8.5 When viewed as part of the existing row of properties along Downview Close, the proposed semi-detached properties, whilst separate from the terraces, would continue the linear form of development in the road. Their design would incorporate tile hung elevations at first floor and brick facing at ground floor. Each property would have a single storey flat roof porch addition and a concrete tiled pitched roof. Whilst the proposed dwellings would have some differences in fenestration to the existing properties, their materials and design would be reflective of those existing properties in Downview Close. Therefore, by way of their proximity to the existing built form in the street and their overall design, which is reflective of the existing properties in the street, it is not considered the proposed dwellings would appear out of character with the visual amenities of the area.

iv) Highway Safety

8.6 It is proposed that hardstanding fronting each property would provide off street car parking spaces for the proposed dwellings. Plots 2, 3, 4 would be provided with 2 parking spaces per dwelling and plot 1 would benefit from one parking space. The position of these parking areas fronting the property means it is likely that they will be utilised in an allocated manner. On the basis of three of the houses being provided with two spaces each and one house being provided with one space, the WSCC Car Parking Demand Calculator indicates a need for 8 car parking spaces to be provided for the development. This would be inclusive of visitor parking. WSCC Officers conclude that whilst there would be an under provision of one parking space, it would be difficult to substantiate that a development with a shortfall of one car parking space would result in or materially exacerbate any on street car parking issues in the locality.

8.7 Third parties have raised concerns about the displacement of parking through the provision of the four dwellings and the ability to park on road when accessing the recreation ground to the rear. The four proposed dwellings would only result in minimal loss of on street parking to the south, where the driveways would be created, however the parking need generated by the proposed development would largely be met by the provision of on-site parking. The site is not currently used for car parking and it is considered that the loss of a small part of the existing on-street parking provision would not create residual impacts which could be defined as severe. Therefore it is considered the proposal would be acceptable in respect of the provision of safe and adequate parking for the proposed development and the impact on on-street parking would not be so great that it would result in harm. In terms of visibility for pedestrian and vehicular traffic, a 1.8m fence is proposed to the boundary of the rear gardens, but a lower level boundary treatment is proposed to the front garden, allowing for visibility to be retained on those approaching the site from the east and west strands of Downview Close. The proposal therefore accords with policy 39.

v) Housing Mix

8.8 Policy 33 of the CDLP seeks to ensure that new development for housing provides for an appropriate mix in accordance with the Strategic Housing Market Assessment (SHMA) (2012). The proposal originally proposed 4 no. 3 bedroom houses, which failed to provide for an appropriate mix. During the course of the application, the scheme has been amended so that plots 1 and 2 would provide 2 bedroom houses and plots 3 and 4 would provide 3 bedroom houses. The provision of 2 no. 2 bed dwelling and 2 no. 3 bed dwellings is considered to provide for an appropriate housing mix in accordance with SHMA. The proposal therefore accords with policy 33 in this respect.

vi) Recreational Disturbance Mitigation

8.9 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 likely impact the applicant has provided a signed and completed S106 Unilateral Undertaking and made a financial contribution £724 to the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

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

vii) Ecology

8.11 The site is laid to grass and fenced off from the wider area. Some years prior to the submission of the application the trees on site were removed. These were not covered by tree protection orders. Due to the location of the site it is not considered that there are high possibilities of protected species. It is therefore considered that the proposed development would not result in harm to protected species or biodiversity and therefore the proposal accords with policy 49 of the Chichester Local Plan.

viii) Other Matters

8.12 The applicant, through written confirmation from his Solicitor has advised that they are in the process of purchasing the land covered by the footpath, which they have confirmed is Crown land. The purchase has been agreed by both parties, but not yet completed. Certificate B has been served and signed.

8.13 The proposal would remove the provision of the western footpath leading to the recreation ground to the north of the site; however the eastern footpath would be retained allowing safe pedestrian access. Whilst traffic in the area may increase when an event/game is undertaken in the recreation ground, the area is otherwise low trafficked at low speeds and visibility of the road would remain. The Parish Council has raised concerns about the damage to the road during construction and construction management of the site. It would be appropriate to condition a construction management plan to ensure safety, amenity of neighbouring properties and proper management of the site.

Section 106 Agreement & CIL

8.14 This development is liable to pay the Council's CIL charge because it results in the construction of four new dwellings.

8.15 As noted above in section vi) the proposal is liable to a contribution in the form of a Unilateral Undertaking and mitigation, to offset harm created to protected bird species in the Chichester and Langstone Harbour Special Protection Zones.

Conclusion

8.16 Based on the above assessment it is considered the proposal by reason of the size, design, form and location of the four proposed dwellings on the plots, would comply with development plan policies 1, 33, 39, 40, 49, 50 of the CDLP and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

1) The development hereby permitted shall be begun before the expiration of 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: DC_03 REV 3, DC_08 Rev 3, DC_04 Rev 4, DC_05 Rev 4, DC_01 RE

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

3) **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.

4) **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.

5) 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.

6) **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.

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) 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) 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.

11) **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.

12) 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.

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

Parish: Tangmere	Ward: Tangmere
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TG/17/00468/FUL

Proposal Erection of 2 no. detached dwellings and new shared car port.

Site Land West Of Kimkarlo Church Lane Tangmere PO20 2EZ

Map Ref (E) 490337 (N) 106146

Applicant Mr J Chatfield

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site lies on the southern side of Church Lane within the village of Tangmere. The site falls within the settlement boundary as defined within the Tangmere Neighbourhood Plan, and the Tangmere Conservation Area is situated to the north of the application site. Residential properties are located to the north and east of the application site whilst to the west and south there is open countryside.

2.2 The site is currently vacant, bounded by a post and rail fence to the north and west, with vegetation on the boundary to the east, the site itself is unkempt with overgrown grass and vegetation within. The neighbouring property to the east is a detached bungalow, and the other properties on the southern side of Church Lane are 2 storey semi-detached dwellings. On the northern side of Church Lane there is residential development comprising a mix of detached and semi-detached 2 storey properties, including a 2 storey detached dwelling directly adjacent to the site. This detached property forms part of a development that extends to the north of Church Lane, and its garage and side boundary wall are positioned alongside Church Lane opposite the application site.

3.0 The Proposal

3.1 The application seeks planning permission for the erection of 2 x 3 bedroom detached dwellings and a shared car port. There would be a central vehicular access into the site serving both properties and a shared parking and turning area. 2 car parking spaces would be provided within the proposed carport with a further 3 car parking spaces in front of the properties. The proposal also includes a cycle store for each property within the rear gardens.

3.2 The proposed dwellings, which would be 2 storeys and finished with a mix of brickwork to the ground floor with hung tiles (plot 1) or timber cladding (plot 2) and to the upper floors. The main ridge of each dwelling would run north to south, and there would be a projection to the side of each property that would be set down from the main ridge and would have a catslide roof. The properties would be handed, and the plot on the western side of the site would be set further back within the plot, providing some variation in the appearance of the dwellings. The dwellings would include a kitchen/dining room and study at the rear with a separate lounge and cloakroom at the front of the property on the ground floor and 3 bedrooms, one with ensuite, and a family bathroom at first floor.

3.3 Each dwelling would measure approximately 7m(h) x 12.8m(d) x 8.4m(w) (maximum dimensions excluding chimney). The proposed car port would measure approximately 5 m (h) x 6.3m (d) x 6.3m (w).

4.0 History

10/03573/OUT

REF

Erection of a single detached dwelling and garage.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Amended Plans

The reason that the council objected was due to two buildings being erected on the site, the amendments have not reduced this number so the council's objections still stand.

Original Plans

Object as it is not in accordance with the Tangmere Neighbourhood Plan as follows - At Annex A, in the report from the Examiner into the TNP, John Slater on page 10 says of this land: 'My conclusion, following my site visit, was that the plot is capable of independent development in line with the existing pattern of development on the South side of Church Lane'. The site should follow the trend of density and scale of development from East to West along the South side of Church Lane toward the open field to the West of the site. The site is adjacent to a Conservation Area and heritage assets.

6.2 WSCC Highways Authority

No objection - subject to provision of separate cycle storage and conditions concerning provision of access, visibility splays, parking and turning spaces and cycle storage.

6.3 CDC Environmental Health Officer

No objection - potential land contamination is low, however given residential is proposed conditions requiring a survey and how to manage unexpected land contamination should be imposed. Construction management condition also recommended.

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 Tangmere Neighbourhood Plan was made on the 16 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:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

7.3 Tangmere Neighbourhood Plan:

1: A spatial plan for the parish

10: Design

National Policy and Guidance

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

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

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

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

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles) and sections 5, 6 and 12 generally.

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built.

As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content.

Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following documents are material to the determination of this planning application:

- Surface Water and Foul Drainage Supplementary Planning Document
- CDC Waste Storage and Collection Guidance
- Tangmere Conservation Area Character Appraisal

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are the principle of the development and its impact on:

- ii) The character of the surrounding area
- iii) The setting of the conservation area
- iv) The amenity of neighbouring properties
- v) Drainage
- vi) Highway safety
- vii) Other matters

Assessment

i) Principle of development

8.2 The application site lies within the settlement boundary as designated by policy 1 of the Tangmere Neighbourhood Plan (NP), an area where development proposals will be supported provided they are consistent with other policies within the NP. Tangmere is also identified in the adopted Local Plan as a Settlement Hub, a location where new development will reinforce its role as a centre to provide homes alongside workplaces, social and community facilities.

Therefore the principle of the proposed development accords with the presumption in favour of sustainable development within the NPPF, the Chichester Local Plan and the Tangmere Neighbourhood Plan.

8.3 An objection has been received from the Parish Council regarding a conflict with the Neighbourhood Plan. The Parish Council objected to the application as originally submitted citing a comment from the Neighbourhood Plan Inspector that development should 'follow the trend of density and scale of development from East to West along the South side of Church Lane'. In their subsequent comments to the amended plans it is clarified that their objection stands because the proposal remains for 2 dwellings on the site.

It is therefore understood from the Parish Council's comments that it is the number of dwellings proposed on this site, which lies within the settlement boundary that is of concern. There is no reference to this site within the neighbourhood plan, and therefore whilst any new development should meet the requirements of policy 10 (design) which ensures that new development reflects the character of the village in its scale and density, among other considerations, there is no requirement that only 1 dwelling on the site would be acceptable. Therefore the principle of 2 dwellings would not be contrary to the development plan, subject to the consideration of other material considerations set out below.

8.4 It is noted that the Neighbourhood Plan Inspector commented on the need for new development on the site to follow the density and scale of the development on Church Lane, and it is considered that the proposal would, which includes detailed consideration of the pattern of development in the locality and the impact that the proposed dwellings would have upon the character of the area.

ii) Impact upon character of surrounding area

8.5 The NPPF and policy 33 of the Chichester Local Plan seek to ensure that new development adds to the overall quality of the area, and respects its character in terms of the proportions, form, massing, layout, density, height, size and detailed design. Policy 10 of the Tangmere NP states that new development would be supported provided that the design reflects the local character of the village in its scale, density, massing, height, landscape design, layout and materials. The application site lies in a semi-rural location on the edge of the village with open countryside to the west and south and a mix of residential properties to the east and north.

8.6 The land to the south and west forms part of the Tangmere Strategic Development Location, however at this time there is no detailed proposal for the site and the current application has been assessed in the context of the current character and appearance of the surroundings. In addition to the adjoining rural landscape, there is a mix of housing types and styles in close proximity to the site which has changed the character and appearance of the area as the village has grown.

8.7 The proposed dwellings would each be 2 storeys high with the main roof ridges running north to south within the site, and a subservient projection to the side. Plot 1, on the eastern half of the site would have a gable end fronting the street with hung tiles at first floor level and brick elevations to the ground floor. Plot 2, on the western half of the site, would be set slightly further back within the site, and it would have a half-hipped roof to the front and rear and the first floor would feature stained feather edged timber boarding above brick work to match plot 1.

The windows and doors would be white painted timber or upvc and the roof would be tiled. There would be a detached car port with tiled roof above stained feather edge boarding located within the front garden of plot 2 to serve both properties and this would be set away from the boundary to allow for landscaping along the western boundary of the site.

8.8 The surrounding dwellings comprise a mix of detached and semi-detached properties, and whilst the neighbouring property to the east is a detached bungalow, the other properties to the north and south of Church Lane are 2 storey semi-detached dwellings. It is considered that the proposed 2 storey scale, height and form of the proposal would not be contrary to the character of the predominant form of development in the locality.

The plot sizes vary considerably within close proximity to the site, and there are a number of examples of plots of a similar size to the proposal on the southern side of Church Lane and far smaller plots within the development of houses to the north west of the application site. It is therefore considered that the density and layout of the proposed scheme would respect the surrounding development overall despite the plots being smaller than the neighbouring plot to the east. Whilst the proposed buildings would be higher than the neighbouring property to the east, their height, design and appearance would be such that they would not appear incongruous within the streetscene. The manner in which plot 2 would be staggered within the site and clad with timber boarding would also serve to soften the appearance of the development when viewed in the context of the open field to the west.

8.9 The surrounding properties vary in terms of size, mass, density and scale, and it is considered that the layout of the site, the scale and mass of the proposed buildings combined with the proposed materials and detailed design of the proposal, would reflect the materials found within the local vernacular, would ensure that the proposal would re-inforce local distinctiveness, and respond positively to the context of the site and the character of its surroundings. The proposal would therefore meet the requirements of section 7 of the NPPF, policies 33 and 48 of the Chichester Local Plan and policy 10 of the Tangmere Neighbourhood Plan.

iii) Impact upon setting of the Conservation Area

8.10 The Tangmere Conservation Area lies to the north of the application site and does not include the application site and post war housing to the east, although more recent residential development along the northern side of Church Lane is within the conservation area. The area is therefore characterised in this location by a mix of housing ages and styles, including relatively recent developments within the historic core of Tangmere. It is considered that, given the proposed dwellings would be set back from Church Lane (following the pattern of the development along the southern side of the road) and that the proposed form and materials of the proposal would complement the existing form of residential development in the locality; the proposal would not detract from the setting of the Conservation Area. The proposal would therefore comply with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, section 12 of the NPPF and policy 47 of the Chichester Local Plan.

iv) Impact upon the amenity of neighbouring properties

8.11 Policy 33 of the Chichester Local Plan requires new development to protect the amenities of neighbouring properties and one of the core principles of the NPPF is to ensure that design provides a good standard of amenity. The proposed dwellings have been designed to minimise the fenestration on the side elevations, thereby preventing overlooking of the existing dwelling to the east, and also interlocking between the proposed dwellings. Juliet balconies are proposed to the rear elevation of each property; however it is considered that the dwellings are a sufficient distance from their respective boundaries to ensure that this would not result in an unneighbourly relationship. The proposed development would also be a sufficient distance from the dwelling to the east of the site to ensure that the proposal would not result in harm to the occupiers of the dwelling in terms of loss of light or as a result of the building being overbearing. The neighbouring dwellings to the north would sufficiently be distanced from the proposed development to ensure that the proposal would also not have a significant impact upon amenities of those occupiers.

It is therefore considered that the proposed development would meet the requirements of policy 33 in respect of the impact upon the amenity of neighbouring properties.

v) Drainage

8.12 The proposed dwellings would drain their foul water to the Tangmere Wastewater Treatment Works (TWwTW) which has limited headroom until works to increase capacity have been completed in December 2017. However, given the likely build out rates of the strategic sites identified in the Local Plan within the catchment of the TWwTW it is considered that there would be capacity to meet the demands of 2 additional dwellings on the application site at the time they would be constructed. The proposal would therefore comply with the Surface Water and Foul Drainage Supplementary Planning Document which seeks to ensure the proper management of water and that existing infrastructure can cope with an increased demand. It is therefore considered that the use of mains drainage would be acceptable for the proposed development.

vi) Impact upon highway safety

8.13 The proposed development would share an access off Church Lane, with provision for 5 off-street parking spaces and secure cycle parking within stores to the rear of each dwelling. The Highways Authority commented on the original plans and advised that they would have no objection to the proposed development in respect of the impact upon highway safety subject to conditions and provided separate cycle storage was provided, it was also noted that the level of parking was less than the required 5 parking spaces. The scheme has been amended to provide 5 parking spaces and a separate cycle store for each dwelling. It is therefore considered that the proposed development would be provided with sufficient off-street parking and cycle parking to meet the needs of the development. In addition, subject to conditions requiring the provision of the proposed access and turning area areas the proposal would benefit from a safe and adequate access. The proposal would therefore comply with policy 39 in respect of the impact of the development upon highway safety.

vii) Other matters

8.14 The application site is undeveloped at present and overgrown, and therefore whilst there are no known records for protected species on the site it is considered that an informative to ensure the developer is aware of their obligations under the Habitat Regulations should they find any protected species on the site would be appropriate. In addition, there may be land contamination on the site; however this does not represent a constraint to development provided the risk of contaminated is managed by appropriate conditions.

8.15 It is understood that there is a culverted surface water drain located under the verge under the proposed access. In order to ensure that no damage would be caused to the drain the applicant proposes to provide a reinforced concrete raft at the entrance to the site.

Community Infrastructure Levy (CIL)

8.16 This development is liable to pay the Council's CIL charge

Conclusion

8.17 Based on the above it is considered the proposal complies with development plan policies 1, 2, 4, 33, 39, 48 and 49 of the Chichester Local Plan, policies 1 and 10 of the Tangmere Neighbourhood Plan and the NPPF 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

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; 2.04 Rev A, 2.05 and 2.06 (received 13/06/2017)

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, glazing surrounds and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

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

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

5) The 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.

6) 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), **the development hereby permitted shall not be first occupied until** the first floor window(s) in the eastern elevation of the plot 1 hereby permitted shall be glazed with obscure glass. It shall be retained at all times and shall not at any time be replaced by clear glazing.

Reason: To protect the privacy of the occupants of the adjoining residential property(ies)

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

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

8) **No part of the development hereby permitted shall be first occupied** until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Church 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.

9) **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.

10) **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 submitted. 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.

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

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

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

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

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

12) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted Phase 1 Biodiversity Survey dated 20 January 2017 produced by New Forest Ecological Consultants.

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

13) 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 first floor elevations of the dwellings hereby permitted, without a grant of planning permission.

Reason: To ensure a sufficient level of amenity for neighbouring occupants and to secure an appropriate setting to the appearance of the Tangmere conservation area.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the car port hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the dwellings hereby permitted.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) The applicant is advised to contact the Highway Licensing Team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 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 Fjola Stevens

Agenda Item 8

Parish: Westbourne	Ward: Westbourne
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WE/17/00670/FUL

Proposal Change use of land for the retail use of selling christmas trees for the period of 1 month each year start 24/11 to 24/12.


Site Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX

Map Ref (E) 475550 (N) 108450

Applicant Mr Frank Wickens

RECOMMENDATION TO 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

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is a gypsy/traveller site which comprises 1 no. static caravan located to the west of the application site, 1 no. day/utility room to the south of the site and of 1 no. touring caravan to the east of the site. The boundary to the west and south alongside Monks Hill is largely screened by mature vegetation. To the east of the site are open fields within the applicants ownership and to the north, the boundary is largely open to the access track. Parking for approximately 10 vehicles can be accommodated within the application site on existing areas of hardstanding.

2.2 The application site is situated outside of any identified settlement boundary and is located to the east of Monks Hill, a two way road with an unrestricted speed limit. Access to the site is off Monk's Hill by way of a private entrance road. This private entrance road also allows access to existing equestrian land within the applicant's land ownership.

3.0 The Proposal

3.1 The proposed development is for the change of use of the land for the selling of Christmas trees for the period of 1 month: 24 November to 24 December.

3.2 The siting and storing of Christmas trees throughout this period relates to a specific part of the site which is largely enclosed by the mobile home, utility block and touring caravan. The application site is accessed off Monks Hill via the existing access arrangements and an existing area of hardstanding would be used for the parking of vehicles.

4.0 History

01/00095/REN	PER	Continued use of field shelter with adjoining hay and feed store continued use of hay and straw store for private use.
94/01033/FUL	PER	Hay/straw store in addition to field shelter and feed store for private use.
96/00437/REN	PER	Continued use of field shelter with adjoining hay and feed store. Continued use of hay and straw store for private use.

04/00048/FUL	PER	Proposed double stable block to accommodate two domestic ponies.
04/02416/FUL	PER	Proposed 1 no. additional stable for domestic pony; 1 no. outdoor menage 40 m x 20 m with sand surface.
14/04206/FUL	REF	Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.
15/00025/REF	ALLOW	Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.
17/00670/FUL	PDE	Change use of land for the retail use of selling christmas trees for the period of 1 month each year start 24/11 to 24/12.
17/00769/NMA	PER	Non-material amendment to planning permission WE/14/04206/FUL. To change colour and fenestration of windows and doors.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Westbourne Parish Council

Westbourne Parish Council objects to the planning application. When permission was granted for the development by the Planning Inspectorate, a condition was included by the Inspector that no commercial activity should take place on site. The Council considers that this condition should remain, even if the application is just for a one month period.

When the commercial activity is conducted, the signage placed around the village by the applicant is unsightly and is not in keeping with the local area of village. The Parish Council has received many complaints from local residents about this.

In addition, the site would require vehicles to stop on Monk's Hill on a length of de-restricted road and on a dangerous bend. The commercial activity would pose a danger to the local highway and local residents.

Third Party Objection

One letter of objection was received throughout the consultation period which detailed the following issues:

- a) The position of the site concerned together with the speed of traffic would cause a road safety hazard
- b) There would be the inappropriate use of parking at the playground car park on Monks Hill and probably parking on the road itself
- c) There would be signs on nearby roads and in Westbourne village (they are often hand painted and ugly)
- d) Signs are usually never removed or at best only after several months have passed
- e) Such signage is out of keeping with the village
- f) There is no demonstrable need for any further outlets to sell Christmas trees locally
- g) There are nearby well organised garden centres at Stanstead House and at the Wyvale garden centre where there is ample organised and safe parking for vehicles
- h) In addition there may well be other selling eg logs without planning permission
- i) The proposed site would be an eyesore which would affect the rural charm of Westbourne with its views of the National Park

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. Westbourne Neighbourhood Plan is currently under consultation following submission to the LPA under Regulation 16. The Consultation Period will end on 24 July 2017.

National Policy and Guidance

7.2 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.*

7.3 Consideration should also be given to paragraph 17 (Core Planning Principles).

Other Local Policy and Guidance

7.4 The contents of Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) provides a material consideration for the purposes of the determination of this application.

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

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of Development
- ii) Impact on the Open Character of the Countryside;
- iii) Transport, Accessibility and Parking; and
- iv) Advertisement/Signage

Assessment

Principle of Development

8.2 The application seeks temporary planning permission, for the period of one month per annum, around the Christmas period, for the importing and selling of Christmas trees. The application is retrospective in nature as these activities have been undertaken from the land within the period applied for since 2015. Policy 2 (Development Strategy and Settlement Hierarchy) of the Chichester District Local Plan Key Policies (2014-2029) supports retail development where it falls within the sub-regional centre and identified settlement hubs and service villages. This application falls within a countryside location, outside any sub-regional centre or identified settlement hub.

8.3 The proposed development is small scale and restricted to a period of one month a year. The impetus underpinning Policy 2 of the Local Plan is to guide permanent retail development to appropriate areas. However, the nature of the retail development proposed is more akin to that which may occur within the countryside under permitted development rights (Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (GPDO) Order 2015 (as amended)), but which, due to the presence of buildings on the site and the period of time exceeding 28 days, cannot be exercised here.

8.4 When planning permission was granted on appeal for the change of use of the land for the stationing of caravans for residential occupation, the appeal inspector placed a condition on the permission preventing any form of commercial activity from taking place on the land, including the storage of materials. This application for commercial use on the site is for a limited time each year only and would provide a form of income for the gypsy occupiers whilst they are not travelling. The proposed commercial activity is considered to be of a small enough scale to ensure the commercial use on the site is secondary to the residential use of the site and due to the specific nature of the product for sale, would be unlikely to expand into other ventures.

Impact on the Open Character of the Countryside

8.5 Policy 48 (Natural Environment) of the Chichester District Local Plan Key Policies (2014-2029) requires development to have no adverse impact on the tranquil and rural character of the area.

8.6 The site is located in close proximity to the existing settlement of Westbourne and the location of the Christmas Trees would be shielded along all boundaries with the exception of the north, by existing development. This existing development that shields the exposure of the activities would ensure that the impact upon the rural characteristics of the environment would unlikely be any greater in comparison to the existing development on the site.

8.7 The nature of the activities is small scale and localised. The applicant has stated that the christmas trees are all brought to site from his own car and trailer and that he makes christmas tree deliveries to reduce the number of cars coming onto the site. Over the time period concerned there are normally 2 cars per day visiting the site and the busiest day would have 5 cars during the whole day. On this basis, it is assessed that the vehicles visiting and parking on the site would be intermittent and limited and would not demonstrably harm the rural characteristics of the area.

8.8 Equally, it is noted that the limited period for which permission is sought would not result in any demonstrable or irreversible harm throughout the period outside that which is permitted.

8.9 Taking account of the surrounding cluster of development, the proposed siting of the christmas Trees and exposure of existing development, the grant of planning permission for a limited period of 1 calendar month a year (24.11-24.12) would have no significant impact on the natural tranquilly of the surrounding area.

8.10 Therefore, the development would accord with the contents of Policy 48 (Natural Environment) of the Chichester District Local Plan Key Policies (2014-2029).

Transport, Accessibility and Parking

8.11 Policy 39 (Transport, Accessibility and Parking) of the Chichester District Local Plan Key Policies (2014-2029) requires development to provide for safe and sufficient access that should not add to problems of safety, congestion, air pollution or other damage to the environment.

8.12 To the north of the application site is an area of hardstanding used in connection with the existing use of the site which allows for the parking of approximately 10 vehicles. Given the scale of the facility that would be restricted to the area detailed on the plans, this would not give rise to significant parking issues at peak hours of demand.

8.13 No objections have been raised from West Sussex County Highways regarding the proposed parking on site or the use of the access (the applicant has confirmed it is possible to achieve a visibility splay of 2.4m by 55m to the south and 2.4m by 45m to the north and this will be conditioned to be retained for the duration of the permission to allow for maximum visibility when exiting the site).

8.14 It is also detailed within the applicant's submission that they operate a delivery service too, at customer request, which further reduces the requirement for vehicles frequenting the site.

8.15 In light of the above considerations, it is assessed that the development would provide for safe and sufficient access in connection with the development. Therefore, the development would accord with the contents of Policy 39 (Transport, Accessibility and Parking) of the Chichester District Local Plan Key Policies (2014-2029).

Advertisement/Signage

8.16 Concern was raised during the public consultation period about the proliferation of advertisements throughout the temporary use of the site. However, any advertisement, unless otherwise permitted, would require express consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

8.17 The applicant has provided details (photographs) of two advertisements he wishes to erect to advertise the selling of christmas trees. One of the signs measures approximately 3.6m by 3.6m and will be placed on the tree at the southern entrance to the site. The other sign will measure 0.9m by 0.6m and the applicant wishes this to be placed opposite the entrance to the site. The location of this advertisement falls outside the ownership of the applicant and outside the red and blue line boundaries as denoted on the location plan, it would therefore be for the applicant to gain any further consents required to display such signage.

8.18 Should any advertisements be placed on any land without the benefit of consent then the Local Planning Authority possesses sufficient controls to remove unauthorised advertisements through the planning enforcement process.

Conclusion

Based on the above, it is considered the principle of the proposed development is acceptable as the development is for a limited period only and is normally able to be undertaken for 28 days under consent granted by the GDPO without the benefit of planning permission and the associated controls. The proposed development complies with development plan policies 1, 2, 39 and 48 and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the approved plans; Plan 2 Proposed Site Layout Plan.

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

2) The use shall not commence until visibility splays of 2.4m by 55m to the south and 2.4m by 45m to the north are provided at the site access onto Monks Hill in accordance with a plan to be submitted and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety.

3) The retail use hereby permitted shall solely comprise the selling of Christmas trees within the period of 24 November to 24 December each year only.

Reason: To clarify the extent of the permission and to safeguard the long term tranquillity of the countryside.

4) The activities hereby permitted by this consent shall not be undertaken by any other persons, other than the occupants of the gypsy/traveller accommodation at Meadow View Stables, Monks Hill, Westbourne.

Reason: To ensure a sufficient level of visual amenity and to maintain the tranquillity of the countryside.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) The applicant must contact WSCC Highways Area Engineer and/or any other land owner regarding permission/licence for the placement of signs within the highway land or land outside the applicants control. This temporary permission does not override the need for separate advertisement consent where this is required.

For further information on this application please contact Claire Coles

Parish: West Wittering	Ward: West Wittering
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WW/16/04141/FUL

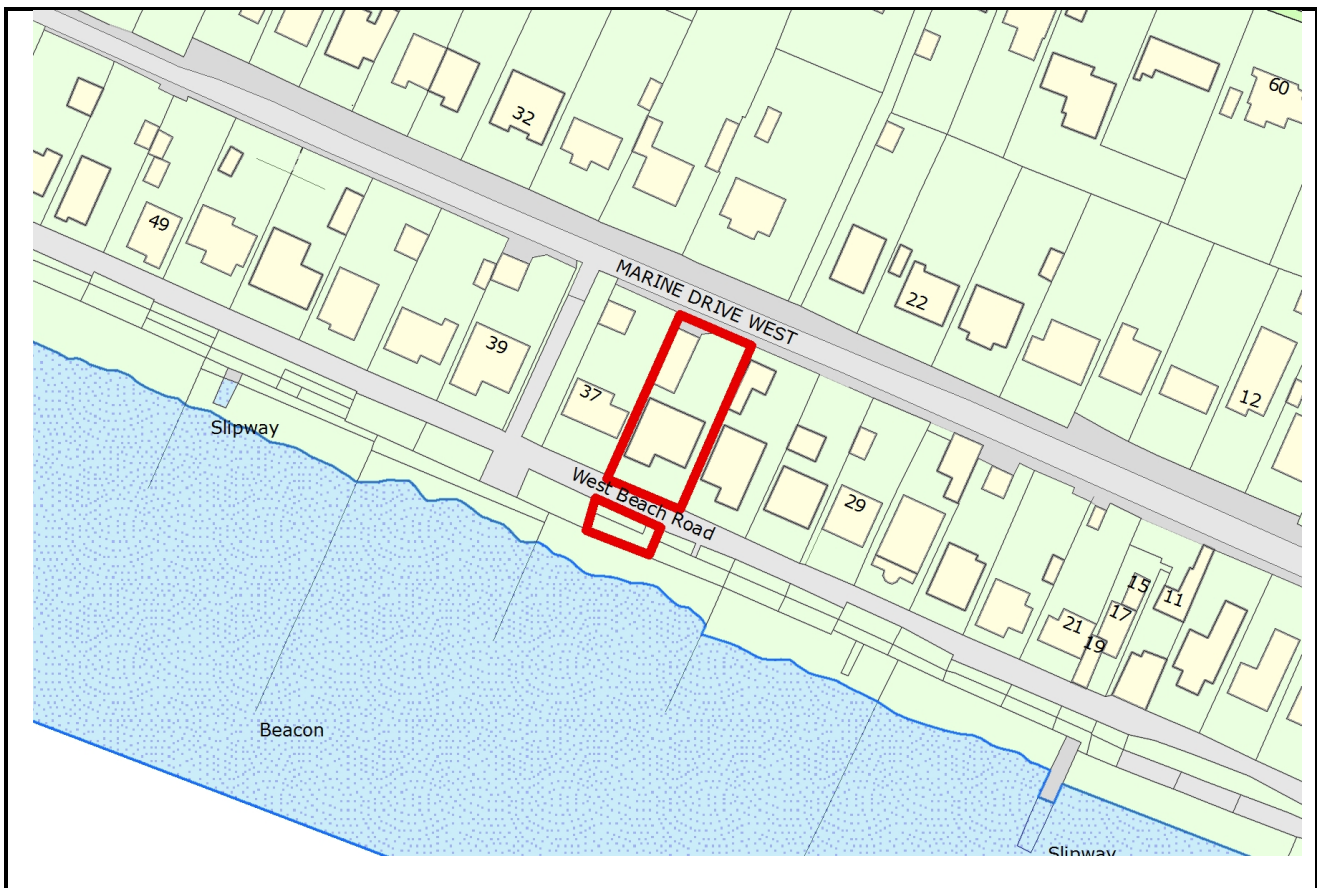
Proposal Demolition of an existing two storey detached dwelling and erection of a new two storey replacement dwelling.

Site The Ark 35 Marine Drive West West Wittering PO20 8HH

Map Ref (E) 478743 (N) 97152

Applicant Mr C. Porter

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is located on the southern side of Marine Drive West, a residential street within the village of West Wittering. The property is situated adjacent to an unmade track and sea defences that run alongside the foreshore. The property is situated within a row of residential properties which have close side wall to wall relationships. There is a linear row of dwellings on the northern side of the street adjacent to the application site. Properties within the street are eclectic in terms of their design and appearance, although they predominantly comprise detached dwellings, with some chalet bungalows and recently constructed pairs of semi-detached properties.

3.0 The Proposal

3.1 The application seeks permission for the demolition of the existing detached property and garage and its replacement with a two storey detached property with attached garage.

3.2 The proposal has been amended during the course of the application process to;

- remove a second floor,
- reduce the depth of the balcony
- provide privacy screens to the balcony,
- reduce the width and depth of the garage, and
- remove the car port

3.3 The proposed dwelling would include a ground floor with three bedrooms, two bathrooms, storage, living space, utility room, office and garage. There is a staircase and lift leading to a first floor living, dining and kitchen space, bedroom with bathroom and dressing room. A balcony would be provided at first floor level at the rear. The proposed building would measure approximately 6.1m in height x 14.7m in width (widest point) x 16.4m in depth (main dwelling) with a single storey projection to the front measuring approximately 16m (d) x 7.5m in width, narrowing to 6m x 3.5m in height.

4.0 History

93/02190/FUL	PER	Use of existing garage and store for the teaching of pottery.
12/01793/FUL	REF	Erection of 2 no. semi detached houses and garages.
13/00013/REF	ALLOW	Erection of 2 no. semi detached houses and garages.

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 Parish Council

Original Plans:

Objection - The Parish Council objects to this application. It is overdevelopment of the plot by way of its bulk, size and mass. It is un-neighbourly, in particular the glazing and balconies will overlook properties in the vicinity and its size prevents properties from the other side of the road enjoying sea glimpses. The flat roof is out of keeping and the Parish Council would prefer a pitched design.

Amended Plan:

No comments have been received

6.2 WSCC Highways

Original Plans:

No objection. In summary, it is recommended that a gravel trap or area of block paving (or other bound surface) be provided to prevent over-spill of gravel onto the private road and that storage for 2 cycles be secured by condition.

Amended Plans (04/05/2017)

No Objection. The comments submitted in previous response dated 6th February would still apply

6.3 CDC Land and Coastal drainage Officer

Original Plans:

Surface Water Drainage - The application states "mains sewer" for surface water drainage, this approach is not acceptable. The applicant would need to rule out infiltration before any discharge to a watercourse, or sewer were considered. We would also expect soakaways to adequately drain the development in this location.

Flood and Erosion Risk - The site is wholly within flood zone 1 (low risk) however there is a risk of some overtopping due to the proximity to the sea. This is being managed by raising the floor levels in the order of 0.5m above the existing ground level, which will reduce the flood risk to the property.

The site is also adjacent to a length of coastline at risk of coastal erosion, the proposed replacement dwelling does not appear to propose habitable accommodation closer than the existing dwelling and therefore we have no objection to the proposal.

Although we have no objection to the proposed work adjacent to the back of the coastal defences, the developer should be aware that this area will be at significant risk of damage if and when the beach is drawn down and the ageing timber defences are exposed. They may wish to consider and manage this risk.

Amended Plans:

In this instance we have no further comments to add, however, in our original consultation response we made it clear that a discharge of surface water to the sewer was unacceptable. Could the applicant please confirm that an alternative approach is being proposed.

If the application is approved we suggest that a condition for the surface water drainage scheme is used to ensure the site is adequately drained:

"Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Groundwater monitoring to establish ground water levels and Percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration drainage.

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

6.4 Natural England

No objection

6.5 Agent's supporting information

The DAS and planning statement have been amended to reflect the changes to the scheme (as discussed in paragraph 3.2 of this report).

6.6 Third Party Objections

Two letters of objection from one household have been received concerning the following matters;

Original Plans:

- a) Compliment overall design but have objections regarding
- b) Southerly projection of balcony beyond the balcony lines at 33, 37 and 31
- c) Acknowledge mix of balcony lines in the area but consider that balconies should respect the immediate neighbours.
- d) Height of single storey element to north would be overbearing and oppressive

Amended Plans:

- a) Footprint is excessive.
- b) Overdevelopment.
- c) Width and proximity to boundaries.
- d) Build line to south would be exceeded.
- e) Loss of light to hallway, bathroom and landing areas.
- f) Sea glimpses from properties to the opposite side of the road would be lost.

7.0 Planning Policy

The Development Plan

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

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 44: Development around the Coast

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 other relevant paragraphs including; 56, 58, 59, 60, 61 and 64.

Other Local Policy and Guidance

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

- West Wittering Village Design Statement

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:

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of Development
- ii) Design and impacts on visual amenity
- iii) Impacts on the amenity of neighbouring properties
- iv) Drainage
- v) Other matters

Assessment

i) Principle of Development

8.2 The application site lies in a sustainable location where the provision of a replacement dwelling would comply with policies 1 and 2 of the Chichester Local Plan, subject to compliance with other relevant policies within the Development Plan. The proposal is therefore acceptable in principle subject to the matters considered below.

ii) Design and impacts upon visual amenity

8.3 The proposed dwelling would comprise a flat roof design with an off-set first floor element, projecting single storey element with balcony above to the south and a single storey projection to the north. The elevations would include a mix of knapped flint walling to the ground floor, with timber cladding and render to the first floor. It is considered that the proposed mix of local materials combined with the varied form of the building would ensure that the building would not appear overly bulky or incongruous within the streetscene. Instead the proposal would result in a high quality modern design that whilst different to the surrounding properties would respond positively to the coastal context of the site and its wider surroundings.

8.4 The application site lies within the South East Marine area of West Wittering as set out within the West Wittering Village Design Statement (VDS), which is a material consideration. The VDS states that 'The character of the area is eclectic and presents few limitations on the style of any new development' (p. 25) and in terms of development on Marine Drive West in particular it states 'Any new development should maintain the spaces between the buildings and reflect the height of adjacent properties' (p. 26). In addition, the NPPF in paragraph 60 states that;

'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

It is therefore considered that in principle a non-traditional design, for example a dwelling without a pitched roof, could be accommodated within the locality without causing harm to the character and appearance of the area provided it is well designed and responds to its context.

8.5 Visually, the proposed dwelling would be a contrast to the pitched roof two storey properties to this side of the road. However, the scheme has been amended to reduce its height so that it would be set lower than the properties on each side of the plot in line with the West Wittering VDS, and in the interests of ensuring that the building would not appear overly dominant within the streetscene. In this mixed context, design should not be stifled because it is different so long as it promotes principles of good design which is considered to be the case here, given the eclectic forms, proportions and materials found in this coastal environment. The design is also considered respectful and would assist to promote local distinctiveness.

8.6 The locality has a relatively tight urban grain, although gaps of at least 1m are common between the flanks of the built form and the boundaries, and this forms part of the character of the streetscene. The proposed development would be set approximately 1m in from the western boundary of the site. On the eastern side, the building would extend to the boundary at ground floor level, however at first floor due to the off-set element there would be a gap of 1.1m. The ground floor east elevation would form the boundary and would extend northwards at 3.5m in height lowering to 3m closest to Marine Drive West. It is considered that the close relationship would not be significantly different to the relationship found between other properties, and the off-set element would provide a clear visual break between the buildings at first floor level which would be more visible within the streetscene and would re-inforce the character of the streetscene in respect of the grain of development.

8.7 Extensions and garages within the gardens fronting Marine Drive West are a prominent feature to this side of the road and number 33 to the east has a flat roof detached garage that would have a close relationship with the proposed projection to the north of the dwelling. The previous proposal, which was allowed on appeal, included a large detached garage building at the front of the site. It is considered that although the garage building would be attached to the main house as part of the current proposal, given its height and position adjacent to the garage on the site to the east that this part of the proposal would reflect the surrounding form of development and would not appear incongruous within the streetscene.

8.8 On balance it is considered that the proposed development, whilst modern in appearance would by reason of its design, massing and appearance be visually sympathetic to the character and quality of the site and surroundings in accordance with section 7 of the NPPF and policies 33 and 40 of the Chichester Local Plan, policies 33 and 40 of the Chichester Local Plan.

iii) Impact on the amenity of neighbouring properties

8.9 The scheme has been amended to reduce the size (depth) of the balcony and to include privacy screens to its flanks to ensure that the balcony at the rear would not result in an unacceptable level of overlooking. The property lies adjacent to the foreshore, and therefore the south facing elevations of the property on the application site and its neighbours are open to public views. It is considered in this context that the provision of the balcony, as amended to prevent direct overlooking from the sides, would be acceptable in terms of the relationship with the neighbouring properties.

8.10 During the course of the application concerns have been raised by the occupiers of the property to the south east (no. 33 Marine Drive West) regarding the impact of the proposal upon their amenities, with particular reference to the glazing and balconies that they consider would overlook properties in the vicinity. No comments have been received from the Parish Council in respect of the amended plans, which were sought to address these concerns. Careful consideration has been given to the impact of the building on the neighbouring properties. Although the proposed dwelling would extend further south than the immediate neighbours, this would not be to an extent that the proposal would result in loss of light or such that it would appear overbearing or oppressive. The Council's design guidance (Planning Guidance Note 3) has been taken into consideration. The guidance recommends that ground floor elements do not cross a line with a 60 degree angle taken from the neighbours' nearest window, and the first floor elements do not cross a line with a 45 degree angle from the neighbours' nearest window, and these guidelines would be met in respect of both neighbouring properties.

8.11 To the north the proposed development there would encroach over these angles on both sides. However, this is considered to be offset by the size and proximity of the garage to number 33 (to the east) which would be in alignment with most of the proposed northerly single storey element of the proposal, and the space between the application site and its siting to the north east of number 37 which would ensure that the proposal would not have an impact upon light to this property. It is therefore considered that by reason of the siting and design of the northern projection it would not have an overbearing impact and would not result in loss of light.

8.12 In respect of the potential for overlooking from the proposed dwelling; there would be limited openings on the flank elevations. There is a bathroom window at first floor level on the east elevation which would be conditioned to be obscure glazed and fixed below 1.7m from finished floor level. At ground floor level there would be a bathroom window on the east elevation, which due to the nature of its position on the boundary would be considered to be obscure glazed and inwards open only, and to the western elevation there would be a high level bathroom window and kitchen window. It is therefore considered that the proposal has been designed sensitively in respect of fenestration to ensure that the privacy of the neighbouring properties would not be adversely affected.

8.13 To the north the properties are separated by Marine Drive West and therefore the additional impact in this direction would be limited.

8.14 Whilst Officer's appreciate the objections raised, for the reasons set out above it is considered that the proposal would be sympathetic to neighbouring properties and would not result in harm to their amenities.

iv. Drainage

8.15 The Council's drainage engineer has stated that consideration should be given to using an infiltration method for the disposal of surface water rather than the public sewer, and has suggested a condition to ensure that a suitable scheme is provided. The agent has confirmed that the suggested condition is acceptable. It is therefore considered that a suitable means of surface water drainage could be secured by the condition requested by the Council's drainage engineer, and the proposal would be acceptable in this respect.

v. Other matters

8.16 The Parish Council and a third party have commented that the size of the proposal would prevent properties from the other side of the road enjoying sea glimpses. The committee should appreciate that this is not a material planning consideration. In addition a concern has been raised that the building line to the south would be broken by the proposed development. The building line along this street is not uniform and it is considered that whilst the proposed staircase to the balcony would be set further south than the properties nearby this is a lightweight feature that would not be harmful to the visual character of the site and surroundings, in this instance. Therefore it is considered that this would not warrant refusal of the application.

8.17 The proposed development would provide the required number of parking spaces as set out by the Highways Authority, and it is considered that there would be sufficient space within the site to provide cycle storage for 2 cycles as requested by the Highways Authority.

Significant Conditions

8.18 Conditions are recommended, among others, to ensure that the materials would be of a high quality, that suitable cycle storage would be provided, that a suitable surface water drainage scheme would be provided, and that the windows on the side elevations would be obscure glazed and fixed shut where necessary to protect the amenity of neighbours and to prevent any overhang of land outside of the application site.

Conclusion

8.18 Based on the above it is considered the scale, design and appearance of the proposal complies with the NPPF, relevant development plan policies and the Village Design Statement for West Wittering, and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 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: JBA242-PL-001, 09 Rev C and 010 Rev C

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, roofs, windows, doors, soffits and fascia and of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

4) **No development shall commence** until 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.

5) **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.

6) 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 ground floor and first floor bathroom windows in the southeast elevation and the bathroom window at ground floor level on the north west 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.

Note: The bathroom window on the south east elevation shall be inward opening only.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies and to ensure the proposal would not encroach over land that is not within the application site.

7) 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.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the ground floor office, utility and garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and for no other purpose.

Reason: To maintain planning control in the interests of amenity of the site.

9) Notwithstanding the approved plans and before first use of the balconies the balconies shall include 1.7m high, from finish balcony floor level, obscure glazed privacy screens to the southwest and northwest elevations of balconies. These screens shall be obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and retained and maintained in perpetuity.

Reason; In order to reduce the additional overlooking to an acceptable level.

Note: Copies of the Pilkington 'Texture Glass' leaflet are available at the Customer Services reception, East Pallant House, East Pallant, Chichester.

10) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

Report to **Planning Committee**
Date **19 July 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/16/04519/FUL**
Applicant **Mr & Mrs James Scott-Webb**
Application **Replacement dwelling and associated garaging.**
Address **Copse Cottage, Norwood Lane, East Lavington
Petworth, West Sussex, GU28 0QG**

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

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Reason for Committee Referral: Red Card: Cllr Elliott – Important information/opinion to raise in debate

Executive Summary

The proposal is for the demolition of the existing dwelling on the site and its replacement with a new two-storey dwelling and garage and store building. The application site is located within the Rural Area and not within any defined Settlement Policy Area (SPA). Both saved Local Plan policy H12 and the emerging South Downs Local Plan policy SD45 support the principle of replacement dwellings in Rural Areas.

The proposal involves the demolition of the existing dwelling, however, given that the building is not statutorily protected (i.e. it is not listed) a replacement building that makes a positive contribution to local character and distinctiveness through its design and use of good quality materials could outweigh the harm resulting from its loss. The new dwelling is considered to be well-designed, reflects local distinctiveness and its local context and is considered not to detract from the character or appearance of the area.

Whilst it is acknowledged that the replacement dwelling will be larger and more visible within the landscape than the existing dwelling on the site it is considered that, on balance, due to the high quality of the design reflecting the Sussex farmhouse vernacular which is common to the local area and utilising local materials, the proposal represents an appropriate replacement and the benefits of the development will outweigh any harm caused by the loss of the existing dwelling which has limited heritage significance. The application is therefore recommended for approval.

1 Site Description

Copse Cottage is located off Norwood Lane to the east of the village of Graffham. The application site is located on the north side of a single width access drive which is also a public footpath leading towards Graffham to the west. Copse Cottage sits within a curtilage that measures approximately 1 acre and this backs onto woodland sited on rising ground and the majority of which is ancient woodland, to the west and north-west and open paddock land to the north-east. The woodland and paddock are within the ownership of the applicant. The southern boundary of the site is formed by a well-established native hedgerow with a gated access. To the south of the site on the opposite side of the access drive is open paddock land. A public footpath crosses this land in a north-east south-west direction and connects to a public bridleway some 150 metres to the south of the site. Long distance views of the application site are possible from this bridleway. Further public footpaths are located to the north-west of the site (within woodland) and to the north-east although views of the site from this direction are limited. The area has a distinctly rural farmland character with areas of woodland and is interspersed by pockets of development which are mainly visible in distant views from the site. The main ridge of the South Downs lies some 1.5-2.0 km to the south.

Copse Cottage comprises two main elements; the original two-storey cottage constructed from brick, stone and render with a plain clay tile roof and dates from the 18th century; and a large single storey flat roofed extension dating from the mid-20th century. The original cottage has been altered over the years with minor additions and alterations and replacement of original features. The more modern extension is considered to be of poor construction with inappropriate materials and appears to be in poor condition. The original cottage is considered to have some minor historical significance through its modest compact vernacular character and relationship with the landscape.

2 Proposal

The proposal is for the demolition of the existing dwelling on the site and its replacement with a new two-storey dwelling and garage and store building. The new dwelling will be sited largely in the same position as the existing dwelling although it will be sited slightly further into site and will be set into the ground (by 1.15m) in order to reduce its apparent impact on the landscape. The proposal makes use of the sloping nature of the site to partially set the rear part of the dwelling into the ground.

The design of the new dwelling draws upon the Sussex farmhouse vernacular and will be constructed from traditional materials including local stone with brick detailing and plain clay tiles. The floor space of the new dwelling will be 278 sqm and the southern element of the building has a more formal layout whilst the rear has been designed to be more subservient in its appearance.

The garage and store building will be single storey and designed to have an agricultural appearance, sited adjacent to the south-east corner of the site and screened by existing vegetation. The building will have a green oak structure with walls constructed from stone and brick with a plain clay tile roof.

The site access will remain as existing.

3 Relevant Planning History

SDNP/13/01922/PRE Demolition of existing dwelling and replace with new dwelling.

SDNP/13/04792/FUL Proposed stable and track. Approved.

SDNP/14/03791/FUL Replacement house, garage and associated landscaping.
Withdrawn.

SDNP/15/01563/APNDEM Demolition of farm cottage. Withdrawn.

4 Consultations

4.1 East Lavington Parish Council

East Lavington Parish Council has now considered the above named planning application as invited in your Parish Comments Letter dated 19th September 2016, and recommends strongly that the application should be refused in its present form.

Councillors' main concern with the proposed replacement dwelling is the significant increase in overall scale by contrast with the existing cottage. ELPC considers that the proposed new dwelling would be completely out of place in this isolated rural setting and would have a detrimental visual impact. It has the appearance of a much larger and more assertive building which would introduce an alien and urbanising effect to the rural character of the site and the wider area.

The first major issue is the height of the proposed new dwelling in the planned location. The site lies on top of a small hill 58 metres/200 feet high which falls away to the east. It is the highest point for almost one mile around and is particularly prominent from the south. There are no neighbouring dwellings within 200 metres.

The present dwelling, an attractive late 18th Century cottage is highly visible especially from the south, from one bridleway, two public footpaths, and distant views from the South Downs. However the cottage is primarily one and a half storeys high, sits comfortably in the location and blends in well with the rural landscape, with the oldest part of the cottage being the most noticeable.

By contrast, the new dwelling would be at least 3.54 metres/12 feet higher than the cottage, and therefore much more prominent due to its height and massing, the problem being exacerbated by the main mass and height of the building facing south, i.e. in the most prominent and exposed direction.

The height of the proposed dwelling actually exceeds that of the recently withdrawn 2014 application, (SDNP/14/03791/FUL), by approximately 2.14 metres/7 feet and that earlier application was not supported by officers due in part to concerns about height and massing in this location.

The applicant is well aware of the problem, since he is proposing to disguise the apparent height and massing by reducing site ground levels by more than a metre, so that the height increase will appear to be “only 1.4 metres”...4.75 feet!

ELPC councillors are resolutely opposed to this idea with our bitter experience of Popple Meadows. In that case, the basement of a two storey house to be built on a forward slope was to be invisible following the digging. In the event, the case officer allowed the building to move a short distance down the slope, in order to save a tree. The result was a very visible three storey house. This event was followed by two years of enforcement action to try and mitigate the damage caused, and the tree was cut down anyway.

We have no doubt that if the digging in the present case meets an obstacle...pipes, roots, rocks, subsidence or something else a considerate case officer will waive the condition, rather than force a return to the drawing board, believing that a height rise of just one metre does not warrant such harsh action. If the digging were to proceed even to a depth of one metre, it is calculated that around 665 cubic metres of spoil, mostly clay, would have to be moved, up to 50 eight wheel tipper truck loads if removed from site.

(In view of councillors’ concern that the ground level will never be achieved, the extra metre of apparent height reduction has not been included in figures provided above).

The next major issue is massing. This is especially important with regard to the south elevation of the proposed dwelling and even more so when considered in conjunction with increased height. ELPC is aware that some steps have been taken to mitigate the effects of massing, by adding “wings” to house the kitchen and orangery, and using different roof levels on the north side. However, these features will have no positive bearing on the appearance of the south elevation, since from a distance the fact that they are set back will not be evident.

The south side is the most sensitive aspect due to extended views and the presence of three public rights of way in close proximity. It is this aspect that is easily the most prominent; the high tiled roof, the very large sash windows and the height of the building from ground level to eaves all combine to create a strongly assertive, urbanising effect on this rural landscape.

The effect is much more noticeable than with the 2014 application, since in that case the overall height was lower even though the main mass was slightly wider. The roof this time looks much higher, because it will be tile covered rather than slate covered, and the ground level to eaves height appears greater.

The existing cottage is slightly less than 2,000 square feet, and has no garage. By contrast, the new dwelling would be 3,000 square feet with an additional 1,000 square feet for the combined triple garage, games room, workshop, generator room and WC. In the opinion of ELPC this doubling of the amount of buildings on the site would constitute an over capitalisation, and would detract significantly from its rural appearance. In addition, it would be quite out of keeping with the size and appearance of the majority of other dwellings in the immediate area.

In terms of design approach the proposed dwelling has the appearance of a mock Georgian mansion, particularly when looking towards the prominent south elevation. This design could well be acceptable in the centre of a large village or town situated among other houses of similar height and appearance. In this location, however the design introduces suburban features that will not integrate into the rural landscape context.

ELPC's comments so far reflect primarily councillors' views on this application. However, the proposed dwelling conflicts in very many ways with the statutory objectives of the South Downs National Park, as well as CDC and SDNP policies regarding replacement dwellings in the rural area of the Park:

- SDNP Statutory Objectives. "To conserve and enhance the natural beauty, wildlife and cultural heritage of the area". ELPC cannot accept that the proposal can do more to conserve and enhance the natural beauty and cultural heritage than the present cottage
- CDC Saved Policy H12. Proposals should not "detract from the rural character and appearance of the existing dwelling and/or the surrounding area, by virtue of scale, mass or design, particularly in the areas of outstanding natural beauty, where proposals should not detrimentally increase the bulk of the building visible from public vantage points". The application fails miserably on this point
- Draft SDNP Policy SD45, due to adopted in 2018. Although still draft, it is noted that this policy must be given some weight in reviewing proposals:
 - "Proposals for the replacement of an existing dwelling [will be considered] where the existing dwelling does not make a positive contribution to the character and appearance of the locality"
 - "The replacement dwelling is not materially larger than one it replaces"
 - "...does not compromise the established character of the pattern of the surrounding area...is not overbearing"
 - "does not increase the floor space of the [existing] dwelling by more than 30%"
- In addition, guidance from the SDNP website for those considering seeking pre-planning application advice:
 - SDNP has the highest level of protectionoutstanding landscapes
 - Development...sitting comfortably within its site and setting
 - Respond to the scale and character of the existing and/or neighbouring buildings
 - Make a positive contribution to local character
 - Conserve and enhance key views
 - Conserve and enhance local cultural heritage

In the opinion of ELPC, the proposed development fails to meet every one of the objectives, policies and guidance quoted above.

The existing cottage has a relatively low visual impact, being of just one and a half storeys with a flat roofed extension. In this context, we note the applicant's claim that the ceiling heights in the cottage are less than six feet. ELPC considers this to be an extremely misleading statement.

All the ceilings in the cottage are of normal height. The only height restriction is in the second bedroom where the ceiling slopes towards the east and west walls due to the one and a half storey design.

Constructive and frequent advice has been provided to the applicant by officers during a protracted “informal” pre-planning application phase. Unfortunately, much of it seems to have been ignored, since the present proposal is unchanged in all essentials from the previous 2014 planning application, which has only recently been withdrawn. Indeed, the currently proposed dwelling is higher than in the earlier application. In addition, the potential assertiveness has not been addressed; the massive appearance of the south facing elevation is now even more noticeable, and it is this elevation which will be most noticeable from public vantage points on nearby rights of way.

The “informal” pre-planning application process was conducted over a period of 18 months from January 2015 to August 2016. During that period, several meetings were held at council offices and on site, several draft drawings were submitted and discussed any many emails were exchanged.

This process was apparently carried out as a follow-on to the 2014 application, which officers were unable to support, but no documents associated with this activity were posted on that or any other website during the 18-month period.

The activity only came to light due to a reference on the application form for the new 2016 application which noted that pre-planning application advice had been given by officers at several meetings related to size, massing and design approach. The last meeting was on 24th June 2016. Were it not for this reference, our District Councillor, other councillors and the general public would have been completely unaware of what had been happening.

No explanation has yet been provided for this situation, which ELPC considers to be highly unsatisfactory, wholly irregular, and completely lacking in the transparency which is expected of local government.

Turning to the existing cottage, ELPC made clear in its comments on the 2014 application that councillors could not accept the applicant’s assertion then that the existing cottage was “undistinguished. Equally we reject absolutely the comment made in the present application that the “the existing dwelling was not befitting of this prime location”. Councillors regard this to be an arrogant statement that completely underestimates the contribution of the present cottage to the local landscape and to the historical interest of this rural area.

At the time of the 2014 application, the Historic Building Advisor was supportive in her comments regarding the cottage. She was not able unhesitatingly to state that it would deserve Non-Designated Heritage Asset status but she did note the contribution Copse Cottage makes to the cultural heritage of the SDNP, remarking on the cottage’s claim to interest being its overall form and proportion, its modest, compact and vernacular character, and its wider relationship with the rural context, which were of cultural interest, given that the cottage is prominent on the public right of way.

In January 2015, the applicant submitted a heritage statement, written by a prominent local historian and archaeologist. This statement endorses the view that the cottage lacks sufficient specific architectural merit to warrant N-DHA status, but on the other hand provides a vast amount of detail regarding the history of the cottage and its relationship with the history of the immediate area. In so doing, the author sustains extremely well ELPC's claim that the cottage should not be wantonly destroyed to make way for a new dwelling whose design is alien to the area.

In considering the proposed destruction of this old cottage Councillors feel obliged to ask the question: how can a new neo-Georgian mansion possibly do more to achieve SDNP's key objective to conserve and enhance the landscape, scenic beauty and cultural heritage of the area than would be achieved by preserving the cottage?

Finally, in our response to the 2014 application to demolish and then replace Copse Cottage, ELPC made clear that councillors were not opposed in principle to some redevelopment of the site. Our view then and now is that a proposal that involved retention of the old part of the cottage, combined with a sympathetic and appropriate one and a half storey extension, would in principle gain councillors' support. It should be in keeping with the rural setting in terms of its size, height and overall design, and in particular, the ridge line should not exceed the current one.

4.2 WSCC Highways

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for a replacement dwelling at this application and provided a response dated 10/09/2014 raising no highways safety or capacity concerns to the proposal. The application was later withdrawn by the applicant.

After inspection of the documents provided the principle of this application is for a replacement dwelling, the location of the access point into the site is to remain unchanged. There would not be any anticipated change in the number of vehicular movements associated with the site and therefore no concern raised to the principle of this application.

The site is accessed via a long private access drive which is also considered to be a definitive public right of way (F.P.989). The granting of planning permission does not authorise obstruction of, interference to or moving of any PROW; this can only be done with the prior consent of West Sussex County Council's Rights of Way team. Safe & convenient public access is to be available at all times across the full width of the PROW. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals. Any alteration to or replacement of the existing boundary with the PROW or the erection of new fence lines, must be done in consultation with West Sussex County Council's Rights of Way team to ensure the legal width of the path is maintained and there is no unlawful encroachment.

If the LPA are minded to grant planning consent the following conditions would be advised:

Vehicle parking and turning

No part of the development 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.

Cycle parking

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

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

4.3 HCC Landscape Adviser

This proposal has been considered by means of one site visit and a desktop study, using the information and plans submitted with this application, in conjunction with other available map information and site photos.

Relevant Landscape Policy Check

- National Planning Policy Framework (NPPF) para 115, 116
- South Downs National Park Partnership Management Plan 2014-2019;
- South Downs National Park Integrated Landscape Character Assessment (SDILCA) : Landscape type L: Wealden Farmland & Heath Mosaic <http://www.southdowns.gov.uk/wp-content/uploads/2015/03/ILCA-Appendix-L-Wealden-Farmland-and-Heath-Mosaic.pdf>
- Historic Landscape Characterisation of Sussex (West Sussex County Council)
- Guidelines for Landscape & Visual Impact Assessment (GLVIA), 3rd edition, Landscape Institute

The site falls within the L2: Rother Farmland and Heath Mosaic landscape character area as defined in the SDILCA, described as 'essentially a quiet landscape with a high sense of 'naturalness' deriving from the mix of woodland and heathland. Opportunities for countryside access are provided by ... an extensive network of public rights of way.' (L2.5)

Relevant Development Considerations for this character area include:

- Conserve the rural character of the villages and their setting through design guidance to discourage the introduction of suburban features such as artificial lighting, concrete kerbs, Leylandii hedges, and suburban style fences.
- Maintain a consistent palette of building materials including local sandstones, which vary in colour from light yellow to dark purple-browns, red brick detailing (particularly around windows and doors), timber boarding, and clay tile.
- L2.13 Ensure that any further built development is integrated into its landscape context using native vegetation.

The Site

The site, containing existing white rendered cottage and single storey extension, lies in an elevated position to the west of Norwood Lane. A mature woodland belt forms the western boundary, and a tall established hedgerow follows the southern (front) boundary where it overlooks open fields and the Downs in the distance.

The Proposal

The proposed replacement dwelling is a taller, two storey house, extending over the existing footprint. A new garage block is also proposed behind the hedgerow in the southeast corner.

Landscape Effects

The design, scale and materials of the development are important in relation to the elevated position and open landscape character to the south.

Scale: The proposal is to reduce levels where the new building is to be sited, so that the increase in overall height is minimised. The proposed ridgeline, 1.42m higher than existing, remains below the height of the surrounding trees, and the land profile indicated by the sections appears sympathetic to its setting. The garage block is an additional structure, its highest ridgeline appearing to be at approximately 59.3m. (above datum). It will be important to ensure that this complex is set at a level to remain largely screened from view, to avoid increasing the apparent number of buildings on the site.

Level changes and excavated material: Material excavated to reduce levels is to be retained and deposited elsewhere on site, and in the adjoining field. It will be important to ensure that this is graded to contours sympathetic with the local landform, and not appear as bunds or mounds. Filling within the site should avoid affecting the health of the adjoining hedgerow and trees

Design: The proposed external building materials appear to be appropriate and reflect the local character.

Boundary treatment: The proposal states that existing site boundaries will remain unchanged.

Existing and proposed vegetation: Two Lawsons Cypresses are to be removed. Proposals indicate that all other boundary trees and mature vegetation is to be retained, carefully pruned and supplemented. Proposed planting is indicated as low level decorative planting around the new house and terraces.

Visual Effects

There is intervisibility with the S Downs and there are close range views of the property from a number of local public rights of way: i) the adjoining public right of way (FP989), ii) Footpath 990 to the E and SE, and, iii) Bridleway 989 to the S.

Views from other public viewpoints are relatively restricted by a dense hedgerow and woodland to the W and SW.

The sympathetic and recessive materials and finishes of the proposed buildings would reduce its prominence in local and long range views.

Summary and Recommendations

There is no objection to the proposals, subject to provision of the following additional information:

- Confirmation that the garage complex will be screened by the boundary vegetation.
- Details of proposed planting, including appropriate native species, planting densities and management proposals.
- Vegetation protection measures during demolition and construction phases.
- Method statement for the distribution of excavated material from 'house dig', including proposed contours and seeding with a mix appropriate to the local landscape.

4.4 CDC Conservation and Design Manager

Advice to Planning – Proposal not supported

Significance

Setting

Copse Cottage is unique in that it sits to the west of Norwood Lane rather than within the nucleated village; adjacent to an area of ancient assart woodland known as Jays Furze (or Tays Furze). Within the National Wealden Greensand Character Area (NCA120) many ancient woodlands have survived to provide wooded backdrops creating the sense of an intimate landscape. Through this, tangible connections to the area's history can be appreciated. For instance, coppicing trees and shrubs was an important part of the rural economy. Heritage assets provide clear links to the NCA's cultural history.

The organic mosaic landscape which typifies landscape type L3 as identified in the SDILCA is evident here, through the juxtaposition of medieval woodland, medieval aggregate assart fieldscapes, and early post-medieval enclosure fieldscapes. The typical settlement form of this area is of irregular small-scale agglomerations of common-edge settlement representing squatter settlement on the edges of commonland. The early post-medieval settlement of Upper Norwood is typical of this.

The area has good public access as a result of a number of Registered Commons, Open Access Land and good public rights of way network. A network of footpaths and bridleways in the immediate area afford close range views of Copse Cottage, as well as inter-visibility with the South Downs. Many of these follow historic footpaths, allowing for appreciation of Copse Cottage within its setting as it historically would have been seen, and traverse other historic features which would enhance the perception of history in this part of the SDNP.

Non-designated heritage asset

Copse Cottage is reached via an informal track from Norwood Lane. As compared with the vegetated enclosed character of the lane, the track is distinct in its more open and rural qualities. It is a modest building in form, scale and character, notably smaller than many of the historic properties in the vicinity yet sharing many vernacular details. It has an informal relationship with the site on which it sits and in its orientation with the track; its primary elevation looking east back towards the village.

The cottage contains historic interest as an early 19th century building of a modest vernacular character. Materially, it is considered to hold a limited level of heritage interest within its fabric, though important elements such as the stairs within the historic core are intact. Whilst it remains unclear whether the roof holds any significance in its fabric, the form of the building is distinctly historic. The building also holds a level of interest in terms of its plan form and compact spatial character, the most historic element of which remains intact with limited openings to the twentieth-century elements.

It has seen progressive periods of extension in response to the changing needs of owners and occupants over time as evidenced by the various additions. Subsequent historic additions to buildings do not necessarily detract from the quality of a building. In fact, they are often of interest as part of the building's organic history and may help to inform its overall significance. In themselves, they may be indicative of changing social attitudes and tastes, as with the twentieth-century addition in a contemporary idiom. In this instance, both the vernacular addition to the rear and the contemporary style addition are considered neutral.

Although unlikely to be of listable quality, the historic interest of Copse Cottage lies in its modest vernacular form, scale and character, which mutually benefits from and contributes to its rural setting. The retention of at least some of original fabric and historic form of the building should be considered in the context that Copse Cottage has stood in its present location for a considerable period of time, which has changed relatively little.

It has been suggested that it was built as a woodcutter's cottage for the East Lavington Estate, as may be suggested by the name Copse Cottage. If this can be substantiated, it would enhance its claim as a non-designated heritage asset as well as its contribution to the cultural heritage of the SDNP. It may also have a rarity value as building relating to a specific working function. The tithe apportionment does not immediately appear to support estate ownership of the cottage, particularly if it was a tied cottage. Estate records may provide some clarity as to when it was acquired prior to being sold off in 1941.

Significance

Copse Cottage's primary significance lies in the contribution it makes to the character of the area, as a small cottage of modest character on the edge of the woodland, with which it may have functioned. This intrinsic character is important to the progression along the track into the countryside beyond the village lane. Its modest scale and location against the woodlands remains legible and therefore contributes to the cultural heritage of the South Downs National Park.

Assessment of Impacts

Whilst the proposed south elevation has been reduced in scale (i.e. height and frontage) and is a well-considered design in the provincial Georgian manner when considered in isolation, we are not yet convinced to its appropriateness within this historic environment. Previous HBA involvement (last in late October 2015) expressed concern with the polite approach. As now proposed, the building remains quite polite and grand in its design, and incorporates polite garden elements such as the walls with piers surmounted by round capitals.

Architecturally there does not appear to be precedence for this approach in the area, which tends more towards either earlier pre-Georgian buildings or later Victorian and twentieth-century buildings.

The building has been designed to look as if it has experienced growth over time, primarily to the rear. Although this serves to reduce the bulk and scale of the primary element, in doing so it could also appear misleading or confuse understanding of the landscape here in this more polite idiom, which would not be the case if it were designed as a more modestly detailed vernacular building with a more natural relationship to the site.

The outbuilding appears overly complex and contrasts with the more polite approach to the main dwelling.

Conclusion

The natural and built historic environment here, which is informed by the modesty of Copse Cottage, contributes to local distinctiveness and the cultural heritage of the South Downs National Park. As a constituent element of this, its significance as a potential non-designated heritage asset is therefore enhanced by the 'great weight' afforded to cultural heritage in National Parks under paragraph 115 of the Framework.

In this instance, total loss of the building is likely to result in harm to the character and appearance of the area. The scale of the harm resulting from this proposal does not appear to be outweighed. The loss of a potential non-designated heritage asset would need to be mitigated by the exceptional design quality of the replacement, such that the SDNP would benefit from having it. Alternatively, the replacement structure would need to reinforce the contribution of the existing building through a design of a comparable character.

4.5 CDC Environmental Strategy Unit

Waiting for comments – to be updated at Committee.

5 Representations

3 third party objections, raising the following concerns;

- a) demolition of the existing property;
- b) size and scale of the replacement dwelling and garage;
- c) impact on the countryside and SDNP; and
- d) existing cottage should be retained and enhanced.

6 Planning Policy Context

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

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

National Planning Policy Framework (NPPF)

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

National Planning Policy Framework: Core Principles, Paragraphs 17 (Sustainable Development) and Section 7 (Good Design), Section 11 (Conserving and enhancing the natural environment), Section 12 (Conserving and enhancing the historic environment).

Chichester District Local Plan 1999

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

The following policies of the Chichester District Local Plan 1999 are relevant to this application:

- RE1 - Development in the Rural Area Generally
- BE4 – Buildings of Architectural or Historic Merit
- BE11 - New Development
- BE14 – Wildlife Habitat, Trees, Hedges and Other Landscape Features
- H12 – Replacement Dwellings and Extensions in the Rural Area

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
- General Policy 3

South Downs Local Plan Preferred Options 2015

The draft South Downs Local Plan Preferred Options 2015 was approved for consultation by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place in September and 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.

The following policies are considered relevant to this application:

- SD5 – Landscape character
- SD6 – Design
- SD8 – Relative Tranquillity
- SD9 – Dark Night Skies
- SD11 – Historic Environment
- SD37 – Trees, Hedgerows and Woodland
- SD45a – Replacement Dwellings

8 Planning Assessment

The main issues arising from this proposal are:

- i) The principle of the replacement of the existing dwelling with a new dwelling
- ii) The heritage significance of the existing dwelling and its proposed demolition
- iii) The design and appearance of the replacement dwelling
- iv) The impact of the replacement dwelling on landscape character including the wider SDNP

i) The principle of the replacement dwelling

The site is located within the rural area and not within any defined Settlement Policy Area (SPA). Both saved Local Plan policy H12 and the emerging South Downs Local Plan policy SD45 support the principle of replacement dwellings in Rural Areas. The existing dwelling has a floorspace of approximately 180 sq.m (original cottage 95 sq.m) and is sited within a curtilage that is in excess of 450 square metres (3,400 sq.m). Therefore Copse Cottage does not fall within the definition of a 'small dwelling' as set out in either policy due to the size of its curtilage. The acceptability of the scheme will turn on whether the scale, mass or design of the replacement dwelling is considered to be appropriate and sympathetic to the rural character and appearance of the surrounding area and whether the design quality is considered to be sufficient to outweigh any harm caused by the loss of the existing dwelling.

ii) The heritage significance of the existing dwelling and its proposed demolition

The heritage significance of Copse Cottage has been assessed both by the applicant's heritage consultant and by the council's Historic Building's Advisor (HBA). The applicant's heritage consultant concludes that the cottage has no particular significance to those who lived there and although it may have originally been an East Lavington Estate workers cottage this is not of special cultural significance. Furthermore, it is only the aesthetic value of Copse Cottage that may seem attractive when viewed from the public footpath to the south but what is visible today is a much altered and extended version of the original cottage. He concludes that very little of the original cottage is visible today because of the extent of alteration that has taken place.

The Council's HBA has looked into the significance of Copse Cottage and whilst it is not considered to be a building that is of listable quality its significance lies in the contribution it makes to the character of the area, as a small cottage of modest character on the edge of the woodland, with which it may have functioned. The intrinsic character is important to the progression along the track (public footpath and access) into the countryside beyond the village lane (Norwood Lane). Its modest scale and location against the backdrop of the woodlands remains legible and therefore contributes to the cultural heritage of the SDNP. The HBA concludes that Copse Cottage has the potential to be a non-designated heritage asset but holds a limited level of heritage interest within its fabric.

Therefore whilst the opinions of the relevant heritage experts differ slightly as to the significance of Copse Cottage it is clear that the building has some historic interest derived from its modest vernacular form, scale and character which mutually benefits from and contributes to its rural setting.

In this case the proposal involves the demolition of Copse Cottage, however, given that the building is not statutorily protected (i.e. it is not listed) and the significance that has been identified relates mainly to the contribution the building makes to its landscape setting, a replacement building that makes a positive contribution to local character and distinctiveness through its design and use of good quality materials could outweigh the harm resulting from its loss.

iii) The design and appearance of the replacement dwelling

The applicant's architect explains in the Design and Access Statement submitted with the application that the replacement dwelling has been designed to reflect the Sussex farmhouse vernacular which is a common style of architecture within the local area utilising local stone with brick detailing, timber sash windows and red clay tiled roofs. The rear section of the new house (east and north facing elevations) has references to the 17th century Sussex Farmhouse vernacular whilst the south block has a slightly more formal style which suggests it is a slightly later addition. The single storey 'orangery style' element on the west side of the house is designed to reflect what could have been a later 'Victorian' addition to the property. This design approach is intended to suggest the house has developed over time but also helps to break up its mass and bulk thereby reducing its impact on the character and appearance of the local area.

The HBA and the Parish Council have both made reference to the fact that the new dwelling has a Georgian character to it and therefore a degree of formality which does not reflect the character of the existing cottage. Whilst officers consider the building to have some Georgian influences it is a well-designed building with a rural character that reflects the local vernacular particularly in terms of the materials used in its construction.

It is acknowledged that the new dwelling is larger than the one it is proposed to replace both in terms of floorspace but also in terms of its height and therefore its mass and bulk. The replacement dwelling has a floorspace of 278 sq.m which is an increase of 97sq.m (53%) over the existing dwelling which has a floorspace of 181 sq.m. The design of the new dwelling means that it is to have varying eaves and ridge heights but it is also to be set into the ground at a level 1.15 metres lower than the existing dwelling on the site. The south wing of the building (the most visible part of the building) will have a ridge height of 8.34 metres and an eaves height of 5.5 metres. This compares to a ridge height of 6.0 metres and eaves height of 3.8 metres for the existing dwelling. However, the lower level at which the dwelling is to be set into the ground means that the ridge and eaves heights of the new dwelling will sit at a level 1.42 metres and 1.2 metres above the existing dwelling. The concern of the Parish Council with regard to the setting of the building at a level 1.15 metres lower than the existing dwelling is noted, however after having visited the site, officers are confident that this can be achieved and it is proposed to impose a condition requiring the building to be constructed in accordance with a range of levels and heights that accord with measurements set out on the architects plans.

The rear element of the proposed dwelling (east and north elevations) has been designed to be subservient to the more formal element that faces south. The proposal has been amended during the course of the application with both the eaves and ridge lines having been lowered by 0.3 metres. This section of the building (east elevation) now has a ridge height of 7.0 metres and an eaves height of 5.0 metres which has resulted in a clearer distinction between the front and rear sections of the building reinforcing the principle that the building could have been developed incrementally.

Whilst it is to be sited largely on the footprint of the existing dwelling it is proposed to set the new dwelling slightly further into the site (11 metres back as opposed to 7 metres). The main volume of the new house will therefore be set further away from the southern boundary of the site and the public footpath which runs along the access drive.

It is acknowledged that the proposed dwelling is larger than the one it is proposed to replace, being mainly two-storey in form, however, the size of the site is large and it has always been the view of officers that the site could accommodate a more substantial dwelling in floorspace terms. It is considered that the architect has given careful consideration to the design of the replacement dwelling, particularly in how it might reflect local distinctiveness and sit comfortably within its landscape setting and the applicant and architect have also worked with officers, resulting in amendments to the proposal from when it was first submitted. The design of the replacement dwelling reflects the local vernacular in that it is of a Sussex Farmhouse style design albeit with some Georgian influences and will be constructed from local stone with brick detailing, plain clay tiles and painted wooden sash and casement windows. The design approach, including setting the building further into the site, setting it 1.15 meters lower into the site and having different elements with different ridge and eaves heights all work to reduce its mass and bulk.

The new dwelling is considered to be well-designed, reflects local distinctiveness and its local context and does not detract from the character or appearance of the area. Therefore it is concluded that in respect of this issue the proposal complies with Policy H12 and BE11 of the CDLP 1999, policies SD6 and SD45 of the Draft SDNPLP 2015 and the design section of the NPPF.

iv) The impact of the replacement dwelling on landscape character including the wider SDNP

The application site lies in an elevated position to the west of Norwood Lane. A mature woodland belt forms its western boundary, and a tall established hedgerow forms the southern boundary where it overlooks open fields and the Downs in the distance. There are close range views of the site from a number of public rights of way in the vicinity of the site, in particular, the public footpath immediately to the south and south-east and the bridleway that crosses land to the south.

As previously described the proposal involves the replacement dwelling being sited at a lower level than the existing so that it's overall height and the impact on the landscape is reduced. The proposed ridgeline of the new dwelling will be at a level only 1.42 metres above the existing. The replacement dwelling will be more obvious simply because of its two-storey character although views of it will remain partially obscured by the mature hedge that runs along the southern boundary of the site and importantly in terms of its impact on the wider landscape character of the area it will remain below the height of the land and trees which form a backdrop to the site. The garage and store building which is to be sited to the east of the main house will be screened behind existing vegetation.

The articulated form of the building and use of traditional materials will ensure that the replacement dwelling can be successfully assimilated into the landscape.

On balance, it is considered that due to the high quality design of the building that reflects local distinctiveness and the measures that have been taken to reduce its mass and bulk, the building will not have a detrimental impact on the wider landscape of the National Park. Therefore it is concluded that in respect of this issue the proposal complies with Policies H12 and BE11 of the CDLP 1999, policies SD6 and SD45 of the Draft SDNPLP 2015 and the design section of the NPPF.

9 Conclusion

The site is located within the Rural Area where the principle of the replacement of an existing dwelling on a one for one basis is considered acceptable. Copse Cottage is not considered to be a small dwelling as defined in policy H12 and therefore the acceptability of the scheme will turn on whether the scale, mass and design of the replacement dwelling is considered to be appropriate and sympathetic to the rural character and appearance of the surrounding area and whether the design quality is considered to be sufficient to outweigh any harm caused by its loss.

Whilst it is acknowledged that the replacement dwelling will be larger and more visible within the landscape than Copse Cottage it is considered that, on balance, due to the high quality of the design reflecting the Sussex farmhouse vernacular which is common to the local area and utilising local materials, the proposal represents an appropriate replacement of the existing dwelling on the site and the benefits of the development will outweigh any harm caused by the loss of the existing dwelling which has limited heritage significance.

The application is therefore recommended for approval.

10 Reason for Recommendation and Conditions

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

1. 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 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.

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. Notwithstanding any details submitted no development/works shall commence until a sample panel of stonework and brickwork shall be constructed, and made available for inspection, on site to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar, and an accompanying written specification shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in order to maintain the architectural interest of the building. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission

5. No development shall commence, 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.

6. No development shall commence on site until plans of the site showing details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. 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.

7. No development shall be carried out on site until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

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

8. No development shall commence 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.

9. No development shall commence until a Bat Mitigation Strategy including a program for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

10. Notwithstanding the approved plans, no windows shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the window in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

11. 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.

12. 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.

13. 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.

14. The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

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

Tim Slaney
Director of Planning
South Downs National Park Authority

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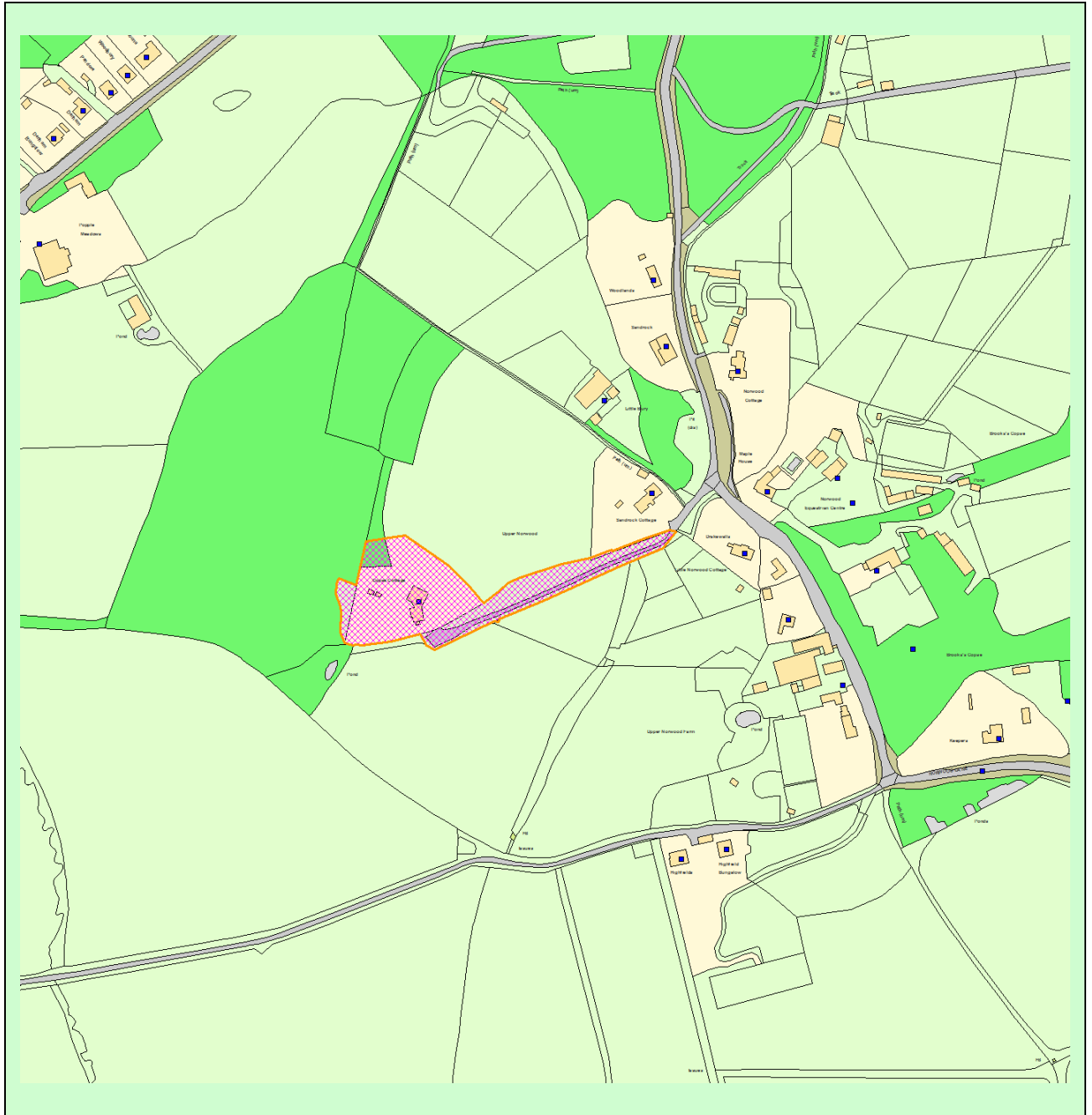
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Plan	547-03	A	23.06.2017	Approved
Plans - Floor Plans	547-04	A	23.06.2017	Approved
Plans - South and North Elevations	547-05	A	23.06.2017	Approved
Plans - East and West Elevations	547-06	A	23.06.2017	Approved
Plans - Relative sizes of existing and proposed from the south	547-07	A	23.06.2017	Approved
Plans - Section AA	547-08	A	23.06.2017	Approved
Plans - Section BB	547-09	A	23.06.2017	Approved
Plans - West Elevation of garage block and site cross section	547-10	A	23.06.2017	Approved
Plans - West Elevation of garage block and site cross section	547-11	A	23.06.2017	Approved
Plans - North, South, East Elevations of Garage Block	547-12	A	23.06.2017	Approved
Plans - Topographical survey	0813-DB4-T1A		09.09.2016	Approved
Plans - Site plan	547-003		09.09.2016	Superseded
Plans - Location plan	547-01		09.09.2016	Approved
Plans - Block plan	547-02		09.09.2016	Approved
Plans - Floor plans	547-04		09.09.2016	Superseded
Plans - South and north elevations	547-05		09.09.2016	Superseded
Plans - East and west elevations	547-06		09.09.2016	Superseded
Plans - South elevation	547-07		09.09.2016	Superseded
Plans - Section A-A	547-08		09.09.2016	Superseded
Plans - Section B-B	547-09		09.09.2016	Superseded
Plans - Garage plan and roof plan	547-10		09.09.2016	Superseded
Plans - Garage elevations and site elevations	547-11		09.09.2016	Superseded
Plans - Garage block elevations	547-12		09.09.2016	Superseded

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

Report to **Planning Committee**
Date of Committee **19 July 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No: **SDNP/16/05874/FUL**
Validation Date **5 December 2016**
Target Date: **20 July 2017**
Applicant: **Mr Burrows**
Proposal: **Replacement dwelling and associated outbuildings**
Site Address **Bury Gate Farm, Bury Gate, Bury, RH20 1HA**
Purpose of Report **The application is reported to Committee for a decision**

Recommendation: That the application be APPROVED subject to conditions set out in paragraph 10.1 of this report.

Reason for Committee Referral: Parish Objection – Officer Recommends Permit

Executive Summary

Bury Gate Farm is sited in a sensitive location within the South Downs National Park. The replacement of the existing dwelling on the site on a one for one basis is acceptable in principle and complies with policy H12 of the CDLP 1999.

The design of the proposed replacement dwelling is contemporary in its character. It has been critically reviewed by the South Downs National Park Design Review Panel, which commended the proposal, and has been found to be acceptable in principle. Issues relating to the type of materials used in the construction of the building and the impact of the development on the dark night skies of the SDNP have been addressed during the course of the application and have been found acceptable.

In terms of its impact on the landscape character of the SDNP the proposal will be clearly visible but will have a similar impact to the dwelling which has previously been given planning permission on the site. On balance, it is considered that this proposal is acceptable.

1. Site Description

1.1 The application site is located outside of any defined Settlement Policy Area (SPA) and within the Rural Area. Bury Gate Farm is located on the south side of the B2138 road linking the villages of Bury and Fittleworth. The site forms part of a ribbon of development adjacent to the highway and the area is characterised by large detached dwellings set within spacious plots.

1.2 Prior to its recent demolition the site was occupied by a bungalow of modest proportions sited towards the eastern boundary. The bungalow has now been removed in its entirety however the outbuildings which once served the bungalow remain and can be seen in close proximity to the north west and north east boundaries. The driveway to the bungalow also remains.

1.3 The site is surrounded on its west, north and east boundaries by Ancient Woodland which provides a dense woodland background to the application site, whilst the southern boundary is more open with views across farmland towards the South Downs which are located some 3.0km to the south. Beyond the open farm land and some 300 metres to the south of the site is the road that runs north-west towards Bignor Park from which the site will be visible through an opening in the hedge. From this location a public footpath runs south away from the road where views of the site will also be obtained.

1.4 To the south east is a large detached dwelling (Stane Lodge) under the same ownership as the application site. The built form of this neighbouring dwelling is partially screened by mature vegetation however the length of amenity space can be seen from the most southerly boundary of the application site. Northwards is The Copse, screened from view by mature trees.

1.5 The southern boundary of the site is defined by a post and rail fence, the open nature of this boundary provides views out to the scarp of the downs. The South Downs Way and Toby's Stone are sited south-west on this scarp.

2 Relevant Planning History

2.1 SDNP/16/01880/PRE. Replacement dwelling (revised design to previously approved plans ref. SDNP/15/01189/FUL).

2.2 SDNP/15/01189/FUL. Minor amendments to approved plans on planning permission SDNP/14/01667/FUL. APPROVED

2.3 SDNP/14/01667/FUL. Replace existing dwelling. APPROVED

2.4 SDNP/13/05837/PRE. Replacement of existing dwelling.

2.5 SDNP/13/00714/PRE. Replace existing dwelling.

2.6 SDNP/12/00504/FUL. Replace existing dwelling and re align drive. REFUSED

3 Proposal

3.1 The application seeks planning permission for a two-storey dwelling sited to the south west of the original bungalow (now demolished) and on the site of a new dwelling approved under planning permission SDNP/15/01189/FUL. This planning permission is extant but the construction of the dwelling has not yet started.

3.2 Whilst the extant planning permission is for a dwelling measuring 551 sq.m that has a traditional Wealden character. This proposal is for a dwelling of contemporary design measuring 449 sq.m gross internal floor space. The new dwelling is to be sited on the footprint of the existing consent with the same south westerly orientation to make the most of the aspect and views.

3.3 The house has been developed to read as a contemporary re-interpretation of a villa/small country house within a parkland setting rather than a traditional farmhouse. Though more modest in scale it takes cues from local examples such as at Bignor Park and Burton Park and offers a strong formal façade to the primary southern elevation.

3.4 The building will be two-storey's in height and will be constructed with a flat sedum covered roof. The floor plan has a stepped character and the south elevation will have a two-storey colonnade which offers a classical and rhythmical face to the wider landscape. Furthermore the portico to the south elevation also provides solar shading and protection from the elements where it is needed most and sets the glazing into shadow allowing it to recede in appearance and limit light pollution.

3.5 Access to the site remains as existing with the proposed driveway following the route of the existing. The driveway curves northwards at the site of the original bungalow to create a circular driveway feeding round to the proposed garage and entrance.

3.6 The existing outbuildings on site are to be removed.

4 Consultations

4.1 Bury Parish Council

Bury Parish Council have discussed these plans and would refer Planning to our Pre Submission draft Neighbourhood Plan which is a result of a survey of the Parish Residents. Built Character

(Paragraph 4.9 states)

This plan seeks to ensure that new development is sympathetic to its rich built heritage and outstanding landscape by using appropriate local style building materials in their construction.

Policy BDNP2 states:

All development should actively respond to the rich built heritage of the parish and character of the area in which they sit.

This should be achieved by:

1. Incorporating similar architectural features into the design as those that are found in buildings in the near vicinity of the site.

2. Avoiding building materials that do not sit well in the parish. Most noticeably materials to be avoided include:

a. Concrete roofing tiles

b. Concrete blocks visible from the exterior

c. Plain brick elevations

3. Utilising building materials and features that reflect our rich heritage:

a. Brick, stone and flint walls

b. Thatch and shingles

c. Clay tiled pitched roofs

d. Timber frame windows

The style of the building is unlike anything else in the Bury Gate area. We do not like the flat roofing, nor the positioning of the garage. We also doubt whether the belvedere will stop the building 'shining out' into the landscape. The blackout curtains suggested are totally unenforceable, and the landscaping might gradually not be so effective at screening the property from view. The property will be seen from the South Downs Way at Toby's Stone, and BPC are keen to assure that the area is compliant with SDNP's Dark Night Skies Policy. The property will also be seen, albeit in the distance, along the road from the B2138 towards West Burton.

BPC do not wish Bury Gate to lose its rural character, and the Neighbourhood Plan clearly wishes to keep the area clear of ribbon developments and inappropriate buildings.

BPC were in support of the original Wealden Style house, but would be opposed to this rather 'public building' style which would be alien to the area.

4.2 **SDNP Design Review Panel**

Comments made at pre-application stage

Having visited and understood the site, its context, the views and the landscape, the Panel welcomed this revised proposal. It considered it to be not only bold and confident but a much more direct and appropriate response to a powerful setting. It encourages the applicant to pursue this proposal in favour of the previous scheme. It is a more serious composition, better suited to its site and more worthy of its context.

The Panel felt this would be a very successful composition. An informal plan, evident from the approach from the road, is cleverly resolved in a dignified colonnade that looks to the view towards West Burton. Standing on a rise of the hill, it will seem like a Palladian villa and, in contrast with the formality of this long view, the entrance will seem informal and domestic. The end result is an enjoyably clever piece of planning which both takes advantage of the site geometries and resolves the distant views.

The Panel understood that this was a design in development and it welcomed the opportunity to comment at this stage. It commented on a number of areas it was keen to see develop.

The first is the broader landscape and the setting of the new house. Though the site boundary is relatively close to the house, it appears that the house 'owns' the landscape beyond – a landscape that is a part of the composition. The panel observed that the existing barns in particular, will detrimentally impact on the setting of the house and it suggested that the design would benefit from these barns being removed, or at least having an associated planting strategy to help diminish their impact.

The second was the more local landscape strategy. The Panel would like to see how the design of the garden might develop and wondered if the garage could be better placed to make the entrance more welcoming, it wondered also about the quality and eventual character of this entrance courtyard. It suggested that more thought be given to the nature of the fences that surround the property – particularly in relation to the long view of the house.

The third concerns materials. The Panel noted that the use of concrete was intended but wished to better understand exactly what this meant. The Panel is aware that the term 'concrete' conjures up a dull image to the layman and, therefore, further elaboration is required. It was encouraged by what was said but needed to see more evidence of what is intended.

The fourth concerns the forms and its silhouette. The Panel enjoyed the idea of a belvedere but it believed it will only work if the materials are right.

Metal frames were described but more information is needed to be persuaded that such secondary materials will blend or counterpoint well with the primary.

The Panel concluded that this could be an excellent building – an enjoyable home planned comfortably and easily and taking note of and contributing to its setting. The design will only benefit from more work – on its landscape, its materials and its detail. At this stage of the design, these are obvious but expected gaps and the Panel would very much like to see the design again once the gaps are filled in.

Comments made at planning application stage

The Panel opened by saying that they all really liked the house. The members of the Panel who were present at the session when this application first came to the Panel noted that since then, it has developed thoughtfully, considerately and in the right direction.

The Panel noted that one of the key things that came up last time was the landscaping need to effectively screen the barns with planting. They're concerned that planting too close to the barn could just draw attention to it, but a more measured approach will create a successful screen. They also observed that some of the proposed planting, while still on land owned by the applicant, fell outside the red line of the application. This might need to be controlled by condition, in order to ensure the planting goes ahead.

The Panel re-iterated their belief that a ha-ha would be the most effective way of creating a boundary, allowing for a far more compelling view from the house that isn't disrupted by obvious boundaries. They suggested that some thought could produce something more financially viable than a classic ha-ha, such as forming it entirely from earthworks without building a wall, so they don't feel that the question of cost should prevent it. However, they acknowledged that the planning authority may be of a different opinion and want a clearly defined border.

Adopting sedum for the green roof feels defeatist. Using meadow flowers in concert with some careful thought about the micro topography would have a much more successful end result, especially for local biodiversity, as it would be much more attractive to butterflies.

The Panel suggested that it might be best not to use the word concrete in the application, perhaps terming it "stabilised rammed earth", in order to create a more compelling image than concrete.

Finally, the Panel reiterated how impressed they were with the quality of this application and wished the Applicant every success going forward, confident that this will turn out to be an incredibly well handled construction.

4.3 HCC Landscape Adviser

The over-riding consideration in terms of impact of the development on the landscape is the potential to affect long views from the south.

That potential has not been adequately explored in the submission documents. The Design and Access Statement part 1 states that: *'The new house will not be visible from anywhere where there are currently no views of the site and due to its decreased height it will be less visible than the currently consented scheme.'* There are two problematic statements here:

- it is views of the building rather than 'the site' that are of interest
- the decrease in height from that of the permitted scheme does not necessarily make it less visible given proposed changes to form and materials.

In that context two particular concerns arise: the location of the building on the plot and its design in terms of size and external appearance.

i) In terms of location of the building on the plot, based on the emerging Local Plan for the SDNPA, the guiding principle should be to build on the existing footprint. In this case that would ensure that the new house and outbuildings can remain as far as possible out of view. There is no logic for the house having been positioned further into the site (ie south and west of the original house) other than to capitalise on views to the downs for the occupants. This inevitably has resulted in a building that is much more visible than its predecessor.

ii) There are a number of concerns about the building design which impact on the landscape in that they will draw attention to the house in long views:

- The extensive glazing proposed is directly at odds with the SDNPA's Dark Skies policy. The glazing on the southern elevation, which appears to be slightly more than 50% of the surface area, is of particular concern. Controlling light spill at night will be very difficult if not impossible and is something that cannot be policed in the future. This issue needs to be addressed through the design.
- The building materials selected do not reflect the local vernacular. It is difficult to see how a departure from local building materials can be justified especially as it directly leads to an issue with the proposed light colour palette. The latter ensures that the building will stand out against its dark backdrop of trees in any views from the south.
- The height of the building is a concern. Through the use of flat rooves the re-design offered the opportunity to sit the building lower in the landscape but this has not been taken. At the SW corner the ground floor elevation appears unnecessarily high with a ground to first floor dim of just under 4m.

These two points above taken together with the overarching purpose of the National Park mean that the development as proposed is unacceptable. Put simply views such as that from Toby's Stone will be the poorer if it goes ahead.

However it is possible that the apparent conflict between the building form and the setting could be resolved by repositioning the house within the site. There appears to be scope within the domestic curtilage to move the building back into the site, over the footprint of the original house. This repositioning with the addition of some screening planting to the south could make the building virtually invisible in views from the south while allowing controlled views out framed by trees for the occupants.

As a matter of principal the new proposal needs to be seen in the context of adjoining development.

The adjacent property Stane Lodge, which is in the same ownership as the application site, has planning consent for a much larger replacement dwelling. The potential impact of both houses needs to be considered together. This is nicely illustrated by view B in the Design and Access Statement part 1 in which the existing house at Stane Lodge, the farm buildings and the (already extended) Downview Farm can be clearly seen. From this it can be seen that, should the proposed development at Bury Gate go ahead, there will in effect be a ribbon of development along the B road quite incongruous in this rural setting if it cannot be effectively screened from view.

The group of buildings at Bury Gate Farm lies immediately to the south of Stane Lodge. It is noted that the suggestion has been made that these buildings be demolished to improve the landscape setting of the proposed house at Bury Gate. It would be helpful if the current submission could make clear what the intention is for these buildings which on the face of it would appear to have potential for further development.

Any application for this site could be greatly improved if the landscape proposals reflected the setting, lying between woodland and farmland, a little better. The insertion of modern landscape elements around the new building, such as the formal hornbeam hedge, is entirely appropriate to create the immediate garden setting for the house. However the design should also respect the wider context and to that end there could be a strengthening of the treed woodland edge to the north and east of the property using appropriate species. Reinstating the field hedge immediately to the south of the house would tie the design into the agricultural landscape.

It would be beneficial if the planting proposals could be extended to take in the rest of the property (the 'blue line' site) Additional planting and appropriate management to strengthen field boundary hedges with the addition of some hedgerow trees would help to soften the impact of any development here.

Conclusion:

For the reasons given in section 2 relating to the impact of the proposed development on the landscape of the South Downs National Park we make a holding objection to this application in its current form.

4.4 SDNP Landscape Architect

- It would be difficult to defend a decision to use stone over brick in this particular situation (or to argue the point that there are not many Fittleworth Stone buildings in the immediate area), and has a preference for the Petersen Tegl D78 option of bricks over the D72.
- Although south-facing, it may be difficult to substantiate sunlight reflectivity as a concern, given the overhanging façade and short term nature of any such reflections compared with – say - the wider expanse of a solar farm
- Visible light spill from the glazing of this south façade is now primarily a landscape/tranquillity issue rather than Dark Night Skies. She also agrees with our thoughts that a condition on use of shutters/blinds would be very difficult to enforce.

4.5 CDC Conservation and Design Manager

Observations - No Objection

Advice was provided in respect of the pre-application proposal (SDNP/16/01880/PRE).

The main points I raised in connection with that proposal were in relation to:

- The orientation of the building which appeared to turn its back onto the street, cutting it off from the rest of the settlement, I confirmed that orientating the building at an angle to the road, was appropriate, but there would appear to be scope to better connect it to the street.
- The location of the garage between the house and the road adding to this sense of disconnection with the wider settlement.
- The possibility of relating the building and garage/out building, possibly to create more of a loose farmstead courtyard arrangement.
- The proposed contemporary, flat roofed approach and suggesting a lower, part two, part single storey massing, over a larger footprint may help connect the building better to the landscape.
- Proposed materials and suggested use of more muted, natural materials that blend in with the landscape as opposed to overly light buff/grey brick suggested in the drawings.
- I also raised some concerns about a proposed “belvedere” feature.

Context

The site is relatively isolated, located within the rural area, within the loosely dispersed settlement of Bury Gate located between the downland village of Bury and the small rural settlement of Watersfield located just outside the District boundary, within the South Downs National Park. Bury Gate appears to be characterised by dispersed detached houses, some forming part of small farmstead groups. I note the existing building has been demolished pursuant to an earlier permission for a replacement dwelling, and that it does not appear on the historic mapping.

Architectural Approach

The Design and Access Statement, does provide a good and clear explanation of the architectural approach and information is provided to help assess the visual impact of the building in the wider landscape, which from the illustrative materials provided suggests the building will relate well with the landscape appearing framed by the backdrop of the woodland to the north.

The orientation of the building is similar to the PRE, but the garage has been relocated, in line with my suggestion, and the east facing elevation has been modified with more openings and articulated brickwork to give it more of an active elevation as one approaches the building from Bury Road. I also note the originally proposed belvedere has been omitted. This would overcome the concerns raised in connection with the PRE.

I note there are a number of significant trees on the site, it looks as if these will largely be retained which is supported.

I note the reasoning for the use of the indicated buff/grey brick with a lime mortar, which it is stated will have variety in colour and tone to reflect the character of local sandstone and which will patinate and weather naturally. This is an acceptable approach and overcomes my concerns, in relation to the PRE, regarding a potentially overly uniform buff grey colouration to the building.

I note the issue of light spillage has been addressed in the Design and Access Statement and that external lighting will be kept to a minimum and limited to the entrance courtyard side of the house which is screened by the dense perimeter planting. With respect to potential light spill through the larger areas of glazing on the south facade I note that this will be mitigated by the way the windows are recessed behind the external portico feature and first floor balconies and also the use of black-out curtains.

If there is a methodology for assessing the effectiveness of such measures it would be useful to do so. There may be other mitigation measures that could be employed including use of louvres etc which direct light downwards, limiting impact on the sky.

I note the PRE was considered by the SDNPA Design Review Panel and I would suggest that it would be appropriate for them to review the submitted design for consistency.

4.6 **CDC Environment Officer**

Regarding the above planning application, my only comments are that the planning condition for the original application SDNP/14/01667/FUL regarding the implementation of the Mitigation Strategy for Bats should still apply.

5 **Representations**

1 third party objection, raising the following concerns;

- a) the plan fails to show the opening vista within the Ancient Woodland which seen from the site;
- b) the location of the proposal westwards would result in the loss of the view;
- c) the relocation of the proposal is likely to lead to a loss of privacy within this opening;
- d) the proposal will result in light pollution to the detriment of the quiet enjoyment of The Copse; and
- e) the previous consent was of little concern.

6 **Planning Policy Context**

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

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

National Planning Policy Framework (NPPF)

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

National Planning Policy Framework: Core Principles, Paragraphs 17 (Sustainable Development) and Section 7 (Good Design), Section 11 (Conserving and enhancing the natural environment), Section 12 (Conserving and enhancing the historic environment).

Chichester District Local Plan 1999

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

The following policies of the Chichester District Local Plan 1999 are relevant to this application:

RE1 - Development in the Rural Area Generally

BE4 – Buildings of Architectural or Historic Merit

BE11 - New Development

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

H12 – Replacement Dwellings and Extensions in the Rural Area

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
- General Policy 3

South Downs Local Plan Preferred Options 2015

The draft South Downs Local Plan Preferred Options 2015 was approved for consultation by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place in September and 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.

The following policies are considered relevant to this application:

SD1 – Sustainable development in the South Downs National Park

SD5 – Landscape character

SD6 – Design

SD7 – Safeguarding views

SD8 – Relative Tranquility

SD9 – Dark Night Skies

SD12 – Biodiversity and Geodiversity

SD45b – Replacement Dwellings

8 Planning Assessment

8.1 The main issues arising from this proposal are:

- i) The principle of a replacement dwelling on the site
 - ii) The design and appearance of the replacement dwelling
 - iii) The impact of the new dwelling on the character and appearance of the South Downs National Park
 - iv) The impact of the development on dark night skies
 - v) The impact of the development on neighbouring amenity
- i) The principle of a replacement dwelling on the site

8.2 The site is located within the rural area and not within any defined Settlement Policy Area (SPA). Both saved Local Plan policy H12 and the emerging South Downs Local Plan policy SD45 support the principle of replacement dwellings on a one for one basis in Rural Areas.

8.3 Planning permission has previously been granted under reference SDNP/14/01667/FUL (amended under SDNP/15/01189/FUL) for the erection of a replacement dwelling on this site. This consent allowed for the relocation of the dwellinghouse to the south-west of the original bungalow on the site and siting it to take advantage of the open views.

The design of the approval took a more traditional approach incorporating a hipped roof, low eaves line, dormers, cat slide roof and single storey elements along with the use of materials that reflect the local vernacular including roof tiles, tile hanging and brickwork.

8.4 Application SDNP/154/01189/FUL is extant and consequently that planning permission is considered to be a material consideration in the determination of the current application. The extant permission also sets a precedent for the siting and scale of the replacement dwelling on the site.

8.5 Therefore, whilst a replacement dwelling is acceptable in principle the acceptability of this proposal will turn on whether the scale, mass and design of the replacement dwelling is considered to be appropriate and sympathetic to the rural character and appearance of the surrounding area.

ii) The design and appearance of the replacement dwelling

8.6 The proposed replacement dwelling is of contemporary design and it is the architect's intention that it should be read as a reinterpretation of a villa/small country house within a parkland setting rather than a traditional farmhouse. The new dwelling is to be sited on a similar footprint to that of the previous approval and will be two storey's in height with a flat roof that will be planted with sedum.

8.7 It is to be constructed from a buff/grey brick mix which it is stated will have variety in colour and tone to reflect the character of local sandstone and which will patinate and weather naturally. The building is to have a strong façade behind a colonnade to its primary southern elevation. Other elevations will be constructed largely from brick. The flat sedum roof is designed to soften the impact of the building and to bind it to the landscape whilst the colonnade will help to provide solar shading and protection from the elements and sets the glazing into shadow allowing it to recede in appearance and limit light pollution.

8.8 The floorspace of the new dwelling measures 449 sq.m which is less than the previous approval (551 sq.m) however it will be wider at 28.8 metres as opposed to 23.3 metres. The new dwelling will have an eaves height of between 7.0 and 7.5 metres and because it is of a flat roofed design the overall height will be lower than the previous approval although its mass and bulk may appear greater due the eaves height being that much higher than the more traditionally designed dwelling.

8.9 As part of the assessment of the proposal, the design of the dwelling has been the subject of review by the SDNP Design Review Panel (DRP). The SDNPA is committed to encouraging high quality, contextually sensitive and sustainable landscape and building design within the National Park. The DRP was set up to support this aim and its concept is supported in the NPPF which advises that planning authorities should have design review arrangements in place and, in assessing applications, should have regard to the recommendations from the panel. While the comments of the DRP are advisory they will carry weight in the decision making process.

8.10 The DRP has commended the design of the dwelling and considers that it has been developed in a thoughtful and considerate manner. The panel have also stated that they are impressed by the quality of the application. The comments of the DRP have been reproduced in full in section 4.2 of this report.

8.11 The Council's Conservation and Design Manager has reviewed the design of the proposed dwelling and raises no objection. In assessing the proposal, officers are mindful of the advice in the NPPF at paragraph 60 which states that planning decisions should not attempt to stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Officers have also given weight to the comments of the DRP and the Council's own Conservation and Design Manager who have commended the design and therefore, on balance, the contemporary design approach of the dwelling is considered to be acceptable in this location.

8.12 Whilst the principle of design is considered to be acceptable, further consideration and assessment is required with regard to the use of materials and how this reinforces the local distinctiveness of the built form. Officers have questioned the use of brick to reflect the character of the local sandstone and requested that alternative materials are proposed. Whilst the applicant is not prepared to reconsider the use of brick the colour has been amended to a tone that is slightly darker than that originally proposed. Whilst this has not dealt entirely with officers concerns the use of a brick that reflects the character of local stone is an approach that is supported by both the DRP and the Council's Design Manager and therefore officers consider that, on balance, this approach can be supported.

Bury Parish Council has objected to the proposal and consider the design and use of materials to appear out of keeping resulting in a ribbon pattern of development. The Bury NP is at the pre-submission stage having completed a period of consultation in December 2016. The Plan is therefore at a stage where it can only be given very limited weight. The comments made in relation to design and use of materials are however valid and have been considered and addressed above. With regard to the PC's comments in relation to the resulting ribbon pattern of development it is considered that the current proposal will result in the same linear pattern of development along the B2138 that has already been approved.

8.13 The proposed replacement dwelling is considered to be a well-designed contemporary style building. Whilst designing the building, the architect has clearly given considerable thought to the context in which the building is sited and how it reflects local distinctiveness.

It is concluded that in respect of this issue the proposal complies with policies H12 and BE11 of the CDLP 1999, policies SD6 and SD45 of the Draft SDNPLP 2015 and the design section of the NPPF.

iii) The impact of the new dwelling on the character and appearance of the SDNP

8.14 The site is located within a highly sensitive location and readily visible from the public realm particularly from the highway and public footpath to the south along with long distance views from the scarp of the South Downs.

It is here that the South Downs Way runs from east to west with Toby's Stone (a prominent view point along the SDW to which the Parish Council refer in their comments) located to the south west. Bignor Park, a Grade II Registered Park and Garden lies to the west of the site and woodland to the north is registered as semi natural ancient woodland and a priority habitat. Furthermore Stane Street, a Roman road lies approximately 150m south of the site.

8.15 In terms of the prominence of the building in long distance views, the site is visible from the South Downs Way and Toby's Stone however when viewed from these locations it is viewed in context with other sporadic pockets of built development. The site is also prominent from the highway to the south and the public footpath that runs in a southerly direction toward the South Downs. When assessing the impact of the proposal officers are mindful of the extant planning permission that exists for a new dwelling on the site.

8.16 The original bungalow on the site was nestled behind trees to the east of the site with very little of its built form visible from the south. The approved scheme is considered to have had a significant impact on the landscape character. The design incorporated a low eaves line and traditional use of materials allowing the extent of vertical massing to be contained at first floor height pushing back into the application site at ridge height, this in itself is considered appropriate however the scale of the proposal is substantial and includes a south facing terrace with a high retaining wall. Whilst the palate of colours is sympathetic the scale and bulk would have been readily visible from a number of vantage points dominating the view particularly from the south back to the site.

8.17 The proposed dwelling will clearly have a very different character to the more traditional house that was previously approved on the site with a greater vertical mass and linear form. The proposal has sought to address this by setting the building lower into the site and profiling the land up to its southern elevation to make it appear that the dwelling is part of the landscape. In addition when viewed from the higher ground of the South Downs Way the planted flat roofs will help soften the building's impact and bind it to the landscape.

8.18 On balance, it is considered that given the siting of a new dwelling in this location has previously been approved and the high quality of the design of the dwelling, the impact of the proposal on the character and appearance of the area is considered acceptable and the landscape character and natural beauty of the SDNP will be conserved and enhanced. Therefore it is concluded that in respect of this issue the proposal accords with policies H12 and BE11 of the CDLP 1999, policy SD45 of the draft SDNPLP 2015 and relevant policies of the NPPF.

iv) The impact of the development on dark night skies

8.19 The design of the new dwelling includes a significant amount of glazing to the south elevation however this is broken up and divided by brick columns. This glazing is set back beneath a portico and first floor terrace which increases in depth from east to west.

8.20 As indicated above the site is open to the south, whilst there are pockets of existing development light omission is likely to be contained to conventional openings and conservatories. The site is elevated and vegetation channels the eye to the site. Upon receipt of the application, and indeed during discussion at the Design Review Panel concern was raised in regards to the extent of glazing and the impact this may have on the dark night skies.

8.21 Glazing to the south provides natural light to habitable spaces including a kitchen, dining room and living room and bedrooms at first floor level. Due to the nature of the rooms at ground floor level the use of artificial light is likely to be frequent over a greater duration compared to that of the first floor. Consequently there is the potential for this to be harmful during the winter months and summer evenings.

8.22 The SDNP Dark Night Skies Officer has commented on the proposal and amendments have been made so that the amount of glazing has been reduced. It was indicated that typically a ratio of 25% glazing to floor space was preferred. The application seeks a 30% ratio. Whilst this is higher than the preferred option the Dark Night Skies Officer has indicated that some variation may be considered acceptable by virtue of the extended colonnade which may act as a cover for light spill. Consultation comments also indicated that the use of black out blinds and curtains would help to reduce light spill further, however this is not considered enforceable and consequently would be an unreasonable condition. No objection is raised from the Dark Night Skies Officer to the proposal.

v) The impact of the development on neighbouring amenity

8.23 The application site is separated from the neighbouring dwelling to the north by the mature ancient woodland. Immediately north and north east the degree of screening is sufficient to contain the perception of bulk and mass to minor glimpses. The opening to the north west may facilitate some perception in bulk however at this distance this is unlikely to appear overbearing or visually intrusive. No more so than the extant planning permission.

8.24 To the east the neighbouring dwelling (there is an extant planning permission for the replacement of this dwelling) is separated from the application site by mature trees. The dwelling and associated curtilage is staggered south of the application site facing away at a slight oblique angle. The relationship of the two dwellings and extent of vegetation is unlikely to lead to an unneighbourly form of development. The application in this regard the application is considered to comply with the objectives of policy H12, BE11 and RE1 of the Chichester District Local Plan First Review 1999.

8.25 Conclusions

8.26 The site is located within the rural area where the principle of the replacement of an existing dwelling on a one for one basis is considered acceptable. The design of the replacement dwelling has been critically reviewed and is considered to represent an appropriate response to the site and its setting.

8.27 Whilst the proposed dwelling will have an impact on the wider landscape character of the SDNP a replacement dwelling has already been permitted on this site and it is not considered that the building now being proposed will cause significantly more harm. On balance it is considered that the proposal is acceptable and will conserve and enhance the landscape character and natural beauty of the SDNP.

8.28 The application is therefore recommended for approval.

9 Recommendation

It is recommended that the application be APPROVED subject to the following conditions:

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

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

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

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

3. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.

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

4. Any walling shall conform with a sample panel of brickwork and mortar treatment which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced and shall be maintained as approved unless any variation has been agreed in writing by the Local Planning Authority.

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

5. Details of the proposed external materials and finishes of the windows and doors shall be submitted to and approved by the Local Planning Authority before construction commences on site. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the Local Planning Authority.

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

6. Prior to the commencement of works hereby permitted a method statement shall be submitted to the local planning authority which outlines the proposed removal and deposition of hardcore, along with location for deposition and likely time frames for its removal. The method statement shall also provide a plan indicating any temporary store of spoil on site and the proximity of this to known wildlife habitats. Once agreed the method statement shall be implemented in full.

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

7. No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

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

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

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

9. No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority.

If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

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

10. No burning of materials shall take place anywhere on the development site, throughout the period of site clearance and development.

Reason: To protect the health of trees to be retained in the interests of amenity.

11. No development shall take place until details of the turning area and parking provision and, where applicable, cycle parking areas have been submitted to, and agreed in writing by, the Local Planning Authority. The works shall be completed in accordance with the approved details before the dwelling hereby permitted is first occupied and shall thereafter be maintained for those purposes in perpetuity.

Reason: In the interests of highway safety.

12. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details. Once provided, the works shall be retained in perpetuity.

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

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details. Once provided, the works shall be retained in perpetuity.

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

14. No external lighting shall be installed either on the building or anywhere within the site unless otherwise agreed to in writing by the Local Authority. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, and in the interests of protected species.

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

15. Before the development hereby permitted commences details and locations of 4 bird nesting opportunities for species such as swallows, swifts, housemartins, house sparrows and starlings along with bat roosting opportunities shall be submitted for the approval of the Local Planning Authority.

The approved detailing shall be inserted prior to the completion of the scheme and shall thereafter be left in perpetuity. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings".

Reason: In order not to disturb nor deter the nesting of birds in accordance with the Wildlife and Countryside Act 1981.

16. The details and mitigation methods contained within the Bat Mitigation Strategy dated 26 June 2014 completed by Sue Harris Bat Surveys for the development hereby permitted are approved and shall be implemented in full.

Reason: In order not to disturb nor deter the roosting of Bats, a species protected by the Wildlife and Countryside Act 1981.

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

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed within the curtilage of any dwelling anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no part of the roof of the building hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property.

21. The garage building hereby permitted shall not be used for any purpose other than as a private and domestic garage incidental to the enjoyment of the associated house.

Reason: To accord with the terms of the application and to safeguard proper planning of the area.

22. The office/gym outbuilding and garden machinery store hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwellinghouse as such and for no other purposes whatsoever.

Reason: To protect the amenities of this primarily residential area.

10. Crime and Disorder Implications

10.1 It is considered that the proposal does not raise any crime and disorder implications.

11. Human Rights Implications

11.1 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.

12. Equality Act 2010

12.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

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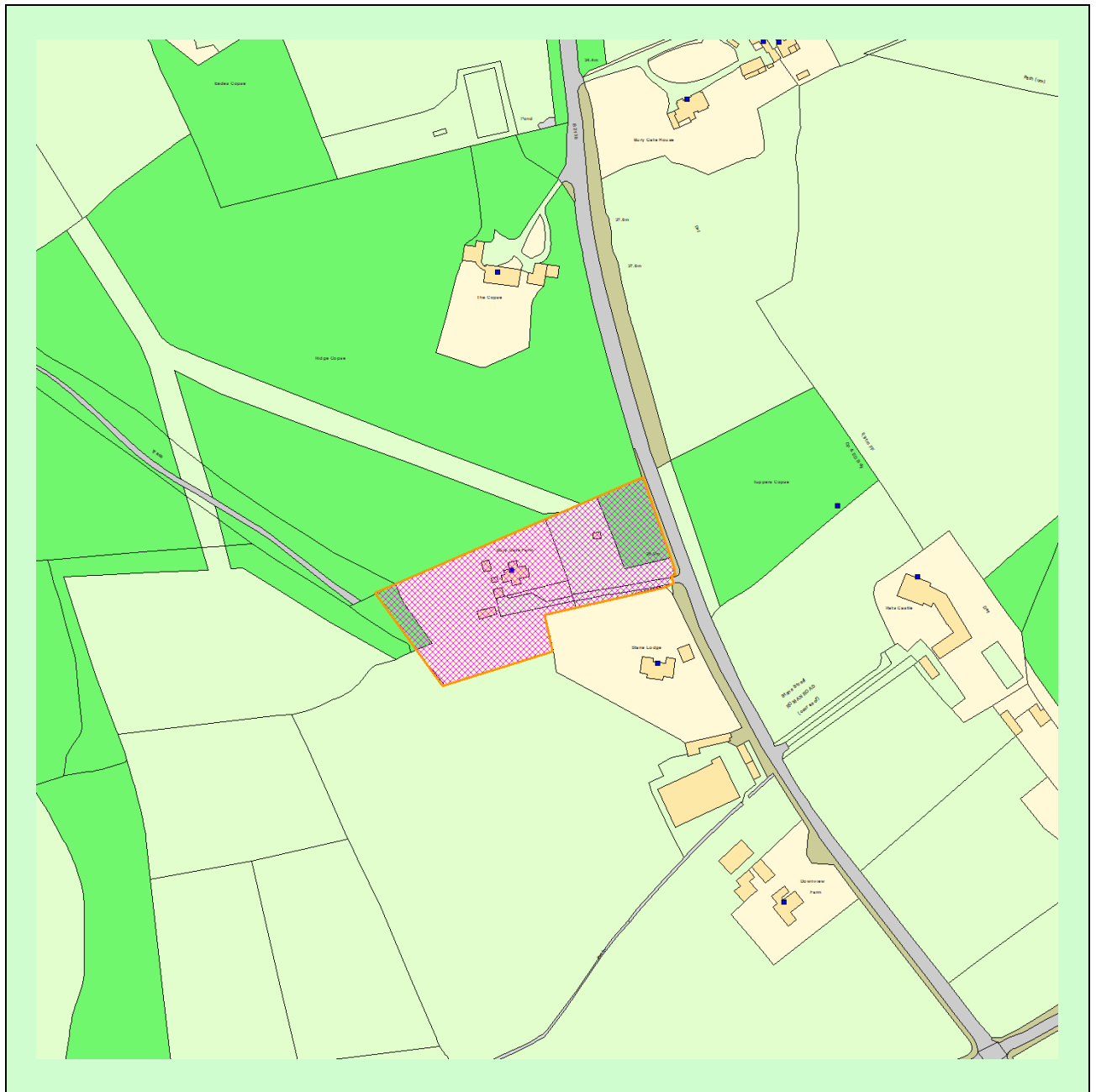
Appendices Appendix 1 - Site Location Map
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SDNPA Consultees

Background Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Sections	241/PL/230		30.06.2017	Approved
Plans - Sections AA BB CC	241/PL/231		30.06.2017	Approved
Plans - Proposed Planting landscape plan	BG_001	A	30.06.2017	Approved
Plans -	241/PL/150	A	30.06.2017	Approved
Plans - Location plan	241/PL/001		24.11.2016	Submitted
Plans - Proposed landscape plan - planting	BG_001		05.12.2016	Superseded
Plans - Proposed landscape plan - Hard surfaces	BG_002		05.12.2016	Submitted
Plans - Proposed block plan	241/PL/150		24.11.2016	Superseded
Plans - Proposed ground floor plan	241/PL/200		24.11.2016	Submitted
Plans - Proposed first floor and roof plan	241/PL/201		24.11.2016	Submitted
Plans - Proposed sections	241/PL/210		24.11.2016	Submitted
Plans - Proposed south and west elevations	241/PL/220		24.11.2016	Submitted
Plans - Proposed north and east elevations	241/PL/221		24.11.2016	Submitted
Plans - Proposed garden store plans	241/PL/222		24.11.2016	Submitted
Plans - Elevations	600E		24.11.2016	Submitted
Plans - Garage plans and elevations	601C		24.11.2016	Submitted
Plans - Floor and roof plans	700E		24.11.2016	Submitted

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

Report PC 8

Report to **Planning Committee**
Date of Committee **19 July 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No: **SDNP/16/03917/FUL**
Validation Date: **22 February 2017**
Target Date: **20 July 2017**
Applicant: **Mr A Bean**
Proposal: **Installation of two vent pipes in roof**
Site Address: **The Hungry Guest, Saddlers Row, Petworth, GU28 0AN**
Purpose of Report **The application is reported to Committee for a decision**

Recommendation: That the application be APPROVED subject to conditions set out in paragraph 10.1 of this report.

Reason for Committee Referral: Parish Objection – Officer recommends Permit

Executive Summary

The application site lies within the historic core of the Petworth Conservation Area and in a central location at the heart of Petworth town centre.

The site operates as a retail unit selling frozen food. The occupier, The Hungry Guest is a well-known local brand within the South Downs National Park with two other outlets (a café and food shop) both within Petworth.

The application seeks planning permission for the installation of two vent pipes to be painted black to the north facing roofslope of the building. The impact of the vent pipes on the character and appearance of the Petworth Conservation Area is considered to be acceptable and its character will be preserved.

In respect of the impact on the amenity of neighbouring properties, no harm or potential for harm to the quiet enjoyment of neighbouring amenity or relative tranquillity to this area of the Conservation Area has been identified. The application is therefore recommended for approval.

1. Site Description

1.1 The application site is located within the town centre of Petworth and within the historic core of the Petworth Conservation Area.

1.2 The building is semi-detached with a hipped roof located within a prominent location adjacent to the pedestrian and vehicle access to the primary car park within the town centre. The building is lawfully used for retail purposes specifically the sale of frozen food. The Hungry Guest is a prominent and successful attribute to the Petworth town centre with a café and bakery also located in two separate locations within the town centre.

1.3 To the north of the application site is the rear elevation of a residential, dwelling, a Grade II listed building. To the east and south are commercial buildings varying in use types. West is the access road to the main car park.

2. Relevant Planning History

2.1 There is no recent planning history.

3. Proposal

3.1 The application seeks planning permission to install two vent pipes to the north elevation of the existing roofslope. The vent pipes project 50cm from the base and are to be painted black in colour.

3.2 The vent pipes exhaust warm air generated from the operation of the freezer units within the building.

4. Consultations

4.1 Parish Council

Comments received 13 March 2017

Objection - stainless steel vents are not in keeping with a conservation area. Plain tile vents would be more suitable.

- Town Council advised that the vents can be painted black

Comments received 27 April 2017

Committee needs further information regarding why exactly the tile vent would be unsuitable? Until this arrives the objection remains in place.

- Town Council advised that 'We cannot use tile vents as they do not let enough air flow through them as previously stated. The maximum air flow manufactured for tile vents is 7000mm² which falls short of the required stated by the unit manufacturers Minimum 10,000mm²'

Comment received 22 May 2017

Why not use 2 tile vents rather than one which will give 14000mm² which is 4000mm² over the amount stated as a requirement? Objection remains

4.2 CDC Environmental Health Officer

The proposal is simply to allow warm air to be exhausted to atmosphere rather than in to the loft space. The velocity of the air is low so I do not expect that there will be any aerodynamic noise. Similarly, the in line fans that provide air movement are similar to those which one would use in a domestic premises for local exhaust ventilation in bathrooms.

Therefore I have no objection to the development. As a precaution I would recommend that the following condition is applied to any permission granted.

Suggested condition:

Noise from Plant

The two vent pipes hereby permitted shall not emit any distinguishable, discrete, continuous tones (whines, hisses, screeches, hums etc) or distinct impulses (bangs, clicks, clatters or thumps). The plant shall be maintained in such a condition that no noises as described are generated.

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

The applicant has indicated that he is willing to paint the pipes. He has asked for guidance on any colouring of the vent pipes that you might require because if painting is necessary he would like to do so before they are installed.

4.3 Historic Buildings Advisor

The host building is a later twentieth century outbuilding to the rear of the Former Granary, which is hemmed in by listed buildings. Whilst in a prominent location in a public car park, the position of the vents on the northern roof slope and their small scale means that they are unlikely to be conspicuous. Where necessary, this could be further mitigated by the use of a matt terracotta colour for the vents to blend in with the roofslope or alternatively a matt black.

5. Representations

No third party letters of representation have been received.

6. Policy Context

6.1 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 District Local Plan First Review (1999). The relevant policies to this application are set out in section 7, below.

National Planning Policy Framework (NPPF) and Circular 2010

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.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- 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.

6.3 Relationship of the Development Plan to the NPPF and Circular 2010

In addition to the above the following paragraphs and sections of the NPPF are also considered relevant to the determination of this application:

Section 3, 7, 11 and 12
Paragraphs 14, 17, 28, 115, 128, 129

The draft South Downs Local Plan Preferred Options 2015 was approved by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place between September and October 2015 and the National Park Authority is considering the responses received during that consultation period. The document and the policies contained therein are now a material consideration when determining planning applications within the National Park however, it is acknowledged that at this stage the policies will carry limited weight.

The following policies are considered relevant to this proposal:

SD1 - Sustainable development in the South Downs National Park
SD6 - Design
SD8 – Relative Tranquillity
SD11 - Historic Environment
SD27 – Sustaining the Rural Economy
SD29 – Town and Village Centres
SD39 - Conservation Areas

6. 4 The South Downs 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 SDPNP 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

Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

7. Planning Policy

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

- BE6 Conservation Areas
- BE11 New Development

8. Planning Assessment

8.1 The main issues arising from this proposal are:

- i) The impact of the development on the character and appearance of the existing building and the Petworth Conservation Area
- ii) Impact of the development on neighbouring amenity
- iii) Impact on the character and appearance of the South Downs National Park
- i) Impact of the development on the character and appearance of the existing building and the Petworth Conservation Area

8.2 The application site is located within a commercial environment within the town centre. Development here for commercial purposes is expected to lead to a positive contribution to the vibrancy and vitality of the town centre whilst appearing sympathetic and discrete within the historic conservation area.

8.3 The proposal seeks to enhance the functionality of the existing A1 retail use of the building allowing an existing operation to diversify the range of products available for sale. This is considered to lead to a positive impact on vitality and vibrancy in this location particularly where it supports a local and established brand in Petworth.

8.4 The proposed scale of the vent pipes is considered proportionate to the roof slope. In consultation with the Council's Historic Building's Advisor it is noted that the scale of the pipes is unlikely to appear conspicuous, however this could be improved further if the pipes are painted terracotta or matt black. The applicant has advised that they are agreeable to the vent pipes being painted black.

8.5 The scale of the proposal along with the siting and use of colour will not lead to a harmful impact on the character of the existing building or the historic appearance of the Petworth Conservation Area which will be preserved. The proposal is therefore considered to comply with policies BE6 and BE11 of the CDLP 1999

ii) Impact of the development on neighbouring amenity

8.6 The Council's Environmental Health officer has confirmed that the pipes are to be used to allow warm air to be exhausted to the atmosphere rather than the loft space. The velocity of the air is low and unlikely to create aerodynamic noise. The line fans that provide air movement are similar to those used for domestic purposes such as local exhaust ventilation in bathrooms.

8.7 Furthermore the proposal is unlikely to omit odours, smells or noise which could lead to harm to the quiet enjoyment of neighbouring amenity or the relative tranquillity of this area of the conservation area. The Environmental Health Officer has requested a preventative condition to reduce harm over the life time of the ventilation system. The proposal is considered to comply with policy BE11 of the CDLP 1999.

iii) Impact of the development on the South Downs National Park

8.8 The application is considered to facilitate the ongoing functioning of an existing business, a well-known local brand within the South Downs National Park. Supporting the progress and development of a local business is considered to lead to an enhancement to the rural diversification of the area whilst also contributing to the vitality and vibrancy of the Petworth town centre.

8.9 The proposal will preserve the character of the Petworth Conservation Area, a designated heritage asset. Consequently the proposal is unlikely to lead to harm to the cultural heritage of the South Downs National Park.

Conclusions

9.0 The proposal is considered acceptable in relation to its impacts on the character and appearance of the Petworth Conservation Area and the amenities of neighbouring occupiers. The application is therefore considered to comply with the objectives of policies BE6 and BE11 of the Chichester District Local Plan and the first and second purpose of designation of the South Downs National Park.

10 Recommendation

It is recommended that the application be APPROVED subject to the following conditions:

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

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

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

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

3. The vent pipes hereby approved shall be painted matt black prior to the commencement of use and shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful impact on the historic conservation area.

4. The two vent pipes hereby permitted shall not emit any distinguishable, discrete, continuous tones (whines, hisses, screeches, hums etc.) or distinct impulses (bangs, clicks, clatters or thumps). The plant shall be maintained in such a condition that no noises as described are generated.

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

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

Tim Slaney

Director of Planning

South Downs National Park Authority

Contact Officer: Jenna Shore

Tel: 01243 534734

email: jshore@chichester.gov.uk

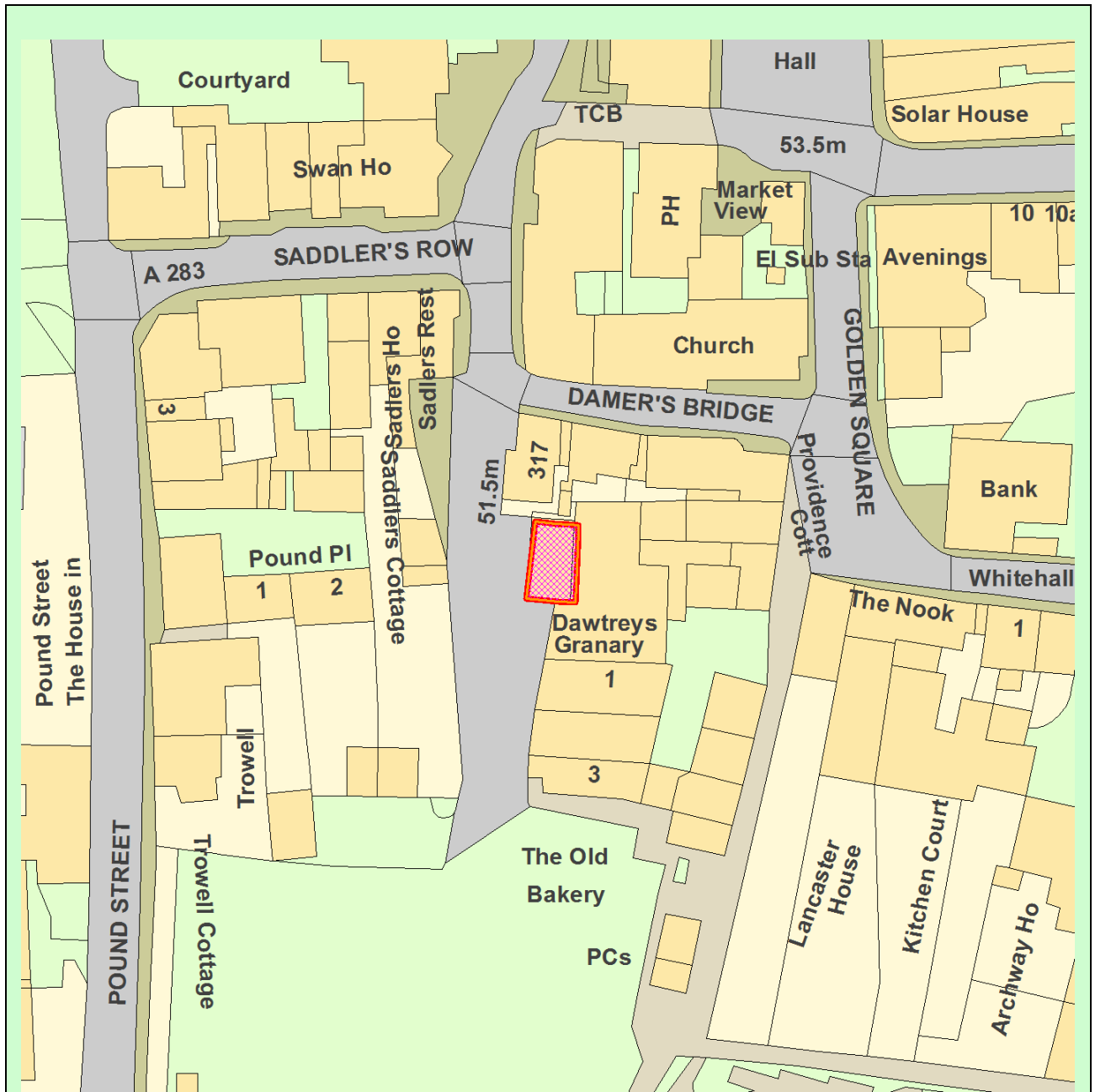
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SDNPA Consultees

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Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location and Block Plan (A3)	550.01		24.02.2017	Submitted
Plans - Existing North and West Elevations (A3)	550.02		24.02.2017	Submitted
Plans - Proposed North and West Elevations. Roof Plan (A3)	550.03		24.02.2017	Submitted

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

Chichester District Council

PLANNING COMMITTEE

19 July 2017

LAND WEST OF CENTURION WAY AND WEST OF OLD BROYLE ROAD, CHICHESTER

PROGRESS OF THE S106 AGREEMENT AND COMMERCIAL NEGOTIATIONS UPDATE

1. Contacts

Report Author:

Joanna Bell, Development Manager (Majors and Business)
Telephone: 01243 534899. Email: jbelle@chichester.gov.uk

2. Recommendation:

- 2.1 That the Committee notes the content of the report and makes any observations.

3. Background

- 3.1. This report provides an update on:
- the progress of the S106 Legal Agreement in relation to outline planning application 14/0401/OUT for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works (Phase 1), and
 - the progress of the commercial land negotiations in relation to the delivery of the southern access and the future submission of an outline planning application for the second phase of the development on the West of Chichester Strategic Development Location (SDL) (Phase 2).
- 3.2 At the Planning Committee meeting on 11 November 2016, the committee resolved to defer outline planning application 14/04301/OUT to enable completion of the associated S106 Agreement and then to permit with conditions. In reaching its decision, the Planning Committee were made aware of the Development Delivery Timeline and Planning Performance Agreement (PPA Phase 2) for Phase 2 of the West of Chichester SDL. These documents indicated the developers' intentions to progress commercial discussions in respect of the phase 2 land as soon as possible with a view to

early delivery of the southern access. Early delivery of the southern access, initially as a construction route and then subsequently as a full access road, would minimise the period of time, and therefore the number of dwellings from the phase 1 scheme, served solely by the Broyle Road access.

- 3.3 The Development Delivery Timeline indicates commencement of infrastructure development on site in July 2018 with the southern access road being available for construction vehicles during March/April 2020, which would coincide with the delivery of the 120/125th dwelling approximately. The Development Delivery Timeline anticipates that the additional work required to bring the southern access road to a standard necessary for full residential use would take approximately 9 months. The Development Delivery Timeline anticipates availability of the southern access road for full residential use early in 2021, which coincides with the delivery of the 225th dwelling approximately, 2.5 years after commencement of the infrastructure works.

4. Progress of the S106 Agreement

- 4.1 Planning application 14/04301/OUT has a Planning Performance Agreement (Phase 1 PPA), updated on 16 January 2017, which sets out the timetable for completion of the S106 Agreement and the issuing of the decision. The Phase 1 PPA states that detailed discussions on the S106 legal agreement were to have been completed by 17 April 2017.
- 4.2 In the previous update to the Planning Committee on 26 April 2017, officers anticipated that following a review of the latest draft S106 agreement, discipline specific meetings would be set up with officers and the developers in May 2017 to conclude the remaining issues. In April it was anticipated that the completion of the S106 Agreement would be towards the end of June 2017.
- 4.3 Discipline specific meetings took place in May 2017 with the relevant Council officers and the developers. These meetings resulted in conclusions being met on the majority of the outstanding issues. The solicitors have subsequently drafted a revised S106 agreement which has now been issued for final comments. WSCC and CDC officers are in the process of providing final comments on this document, which will be sent back to the developer's solicitor on 7 July 2017. It is now likely that the completion of the S106 Agreement will be towards the end of July 2017, after which the decision notice will be issued. Subject to this timescale being met, this would represent a departure from the original expected timeline of 3 months.

5. Commercial Negotiations Update

- 5.1 The Development Delivery Timeline and PPA for the Phase 2 development include a target date for conclusion by the relevant parties of the commercial negotiations with the land owners regarding provision of land required to deliver the southern access by July 2017.

- 5.2 As Members may recall from the update in April 2017, officers have been advised that the first stage of the commercial negotiations is the receipt by the developers of confirmation from both Bishop Luffa School Academy Trust and West Sussex County Council (WSSCC) that they are content with the broad specification of the proposed southern access scheme and playing field relocation works to enable commercial discussions to be commenced in relation to the acquisition of the land required to implement the new access road and the proposed diversion of Centurion Way.
- 5.3 Since the update to Planning Committee in April 2017, it is understood that whilst some progress has been made on matters of principle, a number of specific concerns have been raised by Bishop Luffa School.
- 5.4 All parties met on 9 May 2017 and the developer was asked by Bishop Luffa Academy to address a number of design issues relating to the Southern Access and in particular the revised access into the School site.
- 5.5 The developer has advised that “whilst most matters appear capable of resolution, two areas have the potential to undermine the agreement thought to have been reached over the proposed physical form of the proposed southern access and consequential rearrangement of the school campus and adjoining proposed playing field land west of the current alignment of Centurion Way. These issues are:
- The School had understood that the two playing fields east of the proposed line of diversion of Centurion way were to be for their exclusive use, however it is expected that all pitches to the west of the current alignment of Centurion Way would be for shared community use. We have requested the school advise of the implications for the negotiations (they had indicated at the meeting that this would trigger a need for them to reconsider their position).
 - The school seeks to relocate the new school access from the west to the east of the MUGA currently on campus. This appears to 'work' from a highway standards perspective subject to a few adjustments, however, the revision also results in the need to relocate the school's existing running track and associated revisions to the layout of pitches to the west of Centurion Way . The revisions shown by the school would mean that the phase 1 pitch layout as indicated in the outline planning application documents and as constrained by the red line of the outline planning application could not be delivered in the form envisaged. We have again sought clarity from the school whether the running track needs to be relocated as suggested. If so, we will need to explore whether this revised arrangement would still fulfil the needs of phase one and two developments and how this could be accommodated without serious delay to delivery of phase 1”.
- 5.6 Bishop Luffa Academy has confirmed that discussions are beginning to concentrate on the detailed planning timing and commercial discussions relating to works affecting Bishop Luffa Academy. Bishop Luffa Academy has stated that the following issues remain:
- “Timing. We have made it clear to developers that work on the Southern access road cannot begin on the Bishop Luffa School site until both the

land allocated to the school and that allocated for joint school/community use has been equipped with appropriate drainage, levelled, prepared, seeded and established for at least two full seasons, and ready for use by the School. These issues have not yet been resolved beyond Andy Evans of Miller Homes saying that he would investigate a more realistic time-plan.

- Distinction between new school lands and the joint school/community use lands has not been finalised. We have worked on the understanding that the land within the diverted Centurion Way (Fields E & F on the Vectos plan of 9 July 2014, updated 8 November 2016) will be handed over to the School for sole use. Only the lands to the West of the diverted Centurion Way would be jointly used by school and community. That is why the diversion and its accompanying secure boundaries were agreed. However, this is not the developer's view and we are in discussion.
- The planned bus layby. We believe that the current design of the layby for buses carrying Bishop Luffa pupils is insufficient and unsafe for pupils. There should be a hard separation between the layby and the main road, which will, in due course, be likely to take a considerable volume of traffic both at rush hour times and throughout the day.
- The entrance to the school site requires detailed planning. The proposed outline plan does not take into account the volume of school traffic from staff and parents nor the difficulty of vehicles turning around to go back to the Southern entrance. We believe a road running along the East side of the existing MUGA, as proposed by our architect, would facilitate access and keep children safe by keeping children and vehicles separate”.

5.7 Since April it has been confirmed that WSCC, the Diocese and Bishop Luffa Academy will all be appointing agents with regard to the legal negotiations. The Diocese will also require Charity Commission consent to dispose of any of their land holding and consent will be required from the Department for Education in connection with any site changes at the School site.

5.8 Although the principle and method has been discussed, further agreement remains dependant on the detailed design and costing of the Phase 2 development. The developers have confirmed that they are awaiting Bishop Luffa Academy's response to the two points outlined in paragraph 5.5 above and cannot meaningfully proceed with the commercial discussions until these points are resolved. The developers have requested that Bishop Luffa Academy advise of their timescale for being in a position to respond.

5.9 If it is assumed that these points can be resolved shortly, it is the developer's view that it now seems unlikely that commercial discussions would conclude much before Autumn this year given that progress is likely to be slower over the Summer holiday period due to the limited availability of the key parties.

6. Conclusion

6.1 As outlined above, the completion of the S106 Legal Agreement and the subsequent issuing of the planning permission in relation to 14/04301/OUT is likely to be concluded by the end of July 2017. The commercial negotiations are likely to take longer than was anticipated, however it remains the view of

the developers that should the unresolved issues be resolved shortly, it should be possible by Autumn 2017 to reach an agreement on the commercial terms relating to the acquisition of the land required for the implementation of the southern access road. The developers have previously stated that, in light of the anticipated time required to complete these negotiations and depending on the level of agreement reached, they may be able to make a start on preparation of the phase 2 outline application ahead of exchange of those agreements in order to reduce any delays to a minimum.

7. Background Papers

7.1 Development Delivery Timeline.

**PLANNING COMMITTEE
(19 July 2017)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report updates the position on those contraventions included on the previous schedule and those cases that have since been authorised. It is not a full list of enforcement cases. From 1 April 2012 all new complaints within the national park are being registered on the SDNP system. Those complaints received prior to 31 March 2012 will remain on the CDC system until the file is closed.

Statistics as at 30 June 2017

2.

<u>Case Numbers:</u>	CDC	SDNP cases (included in CDC figures but remaining on CDC system until closed)	SDNP cases (on SDNP system)	Total
On hand as at last report:	299	6	143	442
Cases received since last report:	96		48	144
Cases closed since last report:	97	1	53	150
Current number of cases on hand:	298	5	138	436

Notes

Current number of cases on hand include 90 cases either awaiting determination of a planning application, compliance with an enforcement notice or subject to the appeal process.

3. Breakdown by year

Breakdown of the outstanding cases are as follows:

Outstanding cases logged Pre- SDNP registration	16
Outstanding cases logged in 2012 (CDC System)	3
Outstanding cases logged in 2013 (CDC System)	7
Outstanding cases logged in 2013 (SDNP System)	3
Outstanding cases logged in 2014 (CDC System)	13
Outstanding cases logged in 2014 (SDNP System)	3
Outstanding cases logged in 2015 (CDC System)	46
Outstanding cases logged in 2015 (SDNP System)	15
Outstanding cases logged in 2016 (CDC System)	103
Outstanding cases logged in 2016 (SDNP System)	59
Outstanding cases logged in 2017 (CDC System)	110
Outstanding cases logged in 2017 (SDNP System)	58

4. Performance Indicators financial year 2016/17 CDC area only:

- a. Time taken to initial visit from date of complaint:
- | | |
|----------------------------------|------|
| Low within 20 days (67 Cases) | 99% |
| Medium within 10 days (32 Cases) | 94% |
| High with 2 days (2 Cases) | 100% |

- b. Time taken to notify complainants of action decided from date of complaint:
- | | |
|----------------------------------|------|
| Low within 35 days (82 Cases) | 98% |
| Medium within 20 days (36 Cases) | 100% |
| High within 9 days (2 Cases) | 100% |

5. Performance Indicators are not available for cases within the South Downs National Park

6. Notices Served.

Notices Served:	1 Apr – 30 Jun		Total in FY 2017/18	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	3	2	3	2
Breach of Condition Notices	1		1	
Stop Notices				
Temporary Stop Notices				
Section 215 Notices	1		1	
Section 225A Notices				
High Hedge Remedial Notices				
Tree Replacement Notice				
Total	5	2	5	2

7. If Members have any specific questions on individual cases, these should be directed to the contact officer, Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BY/SDNP/15/ 00336/COU (Reg Hawks)	Land North of Junction B2138, Bury	Without planning permission the stationing of a mobile home for human habitation	06.08.15	EN BY/22 issued Appeal lodged and conjoined with planning appeal 14/0485/FUL – Public Inquiry (14/15.09.16) additional dates 08/09.12.16 20.04.17 – Appeal dismissed with variation (increase in compliance time). New compliance date 20.01.18
EN/SDNP/16/ 00067/OPDEV (Steven Pattie)	Wassell Barn Streels Lane Ebernoe Petworth West Sussex GU28 9LD	Without planning permission the formation of hardstandings, access track and erection of buildings	05.08.16	Enforcement Notice EN/11 issued Appeal lodged – Written statements exchanged. Awaiting a date for an Inspector’s site visit Appeal dismissed with variation. New compliance date 13.09.17 Notice complied with. Remove from next list
FUNT/SDNP/ 16/00496/ OPDEV (Shona Archer)	Land south of Braefoot Southbrook Road West Ashling	Without planning permission, change of use of the land to use as a residential caravan site	14.06.17	EN FU/46 issued Compliance date 26.01.18

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FU/08/00230/ EWSTNP (Shona Archer)	The Old Post Office Southbrook Road West Ashling Chichester West Sussex PO18 8DN	Untidy building and land	04.02.11	S215 Notice issued 09.10.13 – Prosecution for failure to carry out the works required. 23.04.15 - Officers from CDC and SDNP carried out a full assessment of the property using their powers of entry. 08.07.15 – The SDNPA considers it necessary to take Direct Action 01.10.15 – Meeting with SDNP. Officers have been asked to consider costs associated with carrying out basic works to make good the property as opposed to full repair works and the risks associated with each option. 16.1.16 – works of compliance commenced on site 24.1.17 – works completed and land secured with new fence 4.4.17 – contractor contacted to progress next phase of work – rebuild front boundary wall and paint woodwork 14.6.17 – Entry to property gained by CDC and SDNP Officers with surveyors to assess condition of the property. All works have been completed by contractor. On receipt of surveyors report, consideration will be given to what further enforcement action should be taken.

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HART/SDNP/ 15/00447/ OPDEV (Shona Archer)	Land and Building South of Clarefield Copse Dumpford Lane Nyewood South Harting	Without planning permission for formation of a hardstanding	09.05.16	EN HT/24 issued Appeal lodged – Written Representation. 22.03.17 – Appeal dismissed New compliance date 22.05.17. Owner has contacted officers to confirm that hardsurfaced area will be removed.
HART/SDNP/ 16/00692/LB (Emma Kierans)	East Harting Farm Hollist Lane East Harting	Without consent part demolition of building and erection of extension	03.05.17	LBEN HT/26 issued Compliance date 14.09.17 (S78 appeal against refusal of SDNP/16/03903/HOUS)
KD/SDNP/13/ 00153/COU (Reg Hawks)	Stroods A272 Croucham Lane To Linfold Road Strood Green Kirdford Billingshurst	Without planning permission use of the land as residential garden land in association with the dwelling	19.09.16	EN KD/23 issued Planning application ref: SDNP/14/04141/FUL – refused on 24.03.16. s78 appeal lodged. Written statements exchanged. Appeal dismissed. New compliance date 20.03.17 14.02.17 – site visit revealed compliance with the other than removal of the stone wall forming the vegetable garden. 16.02.17 – letter to the appellant requesting full compliance with this requirement. 12.05.17 – Notice complied with. Remove from next list
LURG/SDNP/ 15/00549/ BRECON (Reg Hawks)	High Hampstead High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX	Breach of condition-not in accordance with the approved plans	03.08.16	BCN LG/12 issued Compliance date 04.11.16 Enforcement held in abeyance pending the outcome of application SDNP/16/04220/LIS. 16.06.17 – application withdrawn 03.07.17 – letter sent to request internal inspection to check compliance with BCN.

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LUR/SDNP/15/ 00361/COU (Reg Hawks)	Old Hearne Farm, Jays Lane, Lurgashall	Without planning permission, the erection of a building and laying of a stone pavement.	16.09.16	EN LG/13 issued Appeal lodged – Hearing procedure conjoined with s78 appeal under ref: SDNP/16/04559/FUL Hearing date: 12.07.17 (Committee Rm 1)
LURG/SDNP/ 14/00448/COU (Steven Pattie)	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA	Without planning permission the change of use of the land to use as garden land in association with the dwellinghouse.	16.09.16	EN LG/14 issued Appeal lodged – Written Representations exchanged; Awaiting date for PINs site visit.
MID/SDNP/14/ 00463/LB (Shona Archer)	Midhurst Grill 37 North Street Midhurst West Sussex	Without Listed Building Consent the attachment of a plastic banner and lighting units and painting of a shop front	09.06.16	LBEN MI/14 issue Compliance date 20.10.16 23.11.16 – site visit revealed non-compliance with this notice. 13.01.17 – letter to leaseholder with last warning to comply with this notice 01.03.17 – prosecution papers forwarded to Legal Services 22.03.17 – authorised to commence prosecution. 02.03.17 - Worthing Magistrates on 2 June at 10:00am. 01.06.17 – Notice complied with. Remove from next list
MID/SDNP/16/ 00204/OPDEV (Shona Archer)	Flat 2 Thomand House North Street Midhurst	Without planning permission the formation of a door opening and installation of a steel balustrade	21.12.16	EN MI/16 issued Appeal received– Written Representations exchanged; Awaiting date for PINs site visit.

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SE/SDNP/15/00136/OPDEV (Reg Hawks)	Manor Farm Singleton Chichester West Sussex	Without planning permission the creation of a sand school/riding area	05.06.15	EN SE/3 issued Appeal lodged – Written Representation The appeal is dismissed and the notice is upheld but the period for compliance is increased New compliance date of 23.11.16 Application submitted for change of use to riding area SDNP/16/02967/FUL 09.09.16 – application permitted. Works conditioned to commence by 09.01.17 and completed within 5 months following the date of completion. 26.10.16 – letter sent to confirm details of the condition. New compliance date 09.06.17 Notice complied with. Remove from next list
STED/SDNP/16/00120/COU (Shona Archer)	Minsted Heath Barns Minsted Lane, Minsted Stedham	Untidy Land	27.06.16	Section 215 Notice SJ/23/S215/25 issued Compliance date 25.10.16 20.1.17 – Non-compliance with the notice. 26.01.17 – letter before action sent 12.4.17 – a further site visit is required to assess the use of the land at this time. 28.4.17 – site visit showed partial compliance. Caravan removed from the land.
STED/SDNP/16/00334/COU (Shona Archer)	The Old Studio Bridgefoot Lane Stedham West Sussex GU29 0PT	Without planning permission, change of use of the land/building to use as a single dwellinghouse	09.01.17	EN SJ/24 issued Compliance date 20.08.17 Appeal received - Hearing

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STED/SDNP 15/00109/ OPDEV (Reg Hawks)	Land south of The Old Stables, Mill Lane, Stedham, Midhurst, GU29 0PR	Without planning permission, formation of a hardsurfaced access track	02.03.17	EN SJ/25 issued Compliance date 13.07.17 Appeal received - Awaiting PINs start letter
TL/SDNP/14/00 462/BRECON (Reg Hawks)	River Farm Brookfield Lane Tillington Petworth	Stationing of mobile homes and caravans for seasonal workers	15.11.16	BCNEN TL/2 issued Appeal received – Written Representation 14.07.17 – date for exchanging statements
UPWA/SDNP/ 16/00069/COU (Emma Kierans)	The Mill Eartham	Change of use of a building to a dwellinghouse	02.02.17	EN ER/6 issued Appeal Lodged – Public Inquiry 31.10 & 01.11.17 (Committee Rm 2)
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal lodged – Written Representation Awaiting date for PINS site visit

Chichester District Cases:

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BI/17/00061/ CONENG (Emma Kierans)	Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex	Engineering operations consisting of hardstanding, laying of services and building work	22.03.17	TSN/50 issued Notice will cease to be in effect on 20.04.17 Remove from next list
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Prosecution for non- compliance with TSN's 40 and 41 (all owners)		Public inquiry into the refusal of planning permission for a gypsy pitch on the land and the issue of enforcement notices to control the use and development of the land commenced on 7-9 th February 2017 and continued over 27, 30 March and 7 th April at EPH. A final day was held on 22 May 2017. An exchange of comments in relation to an application for costs from the parties was concluded on 23 June 2017. The inspectors decision is now awaited.
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 issued Appeal lodged As above
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/24 issued Appeal lodged – As above

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BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Prosecution for noncompliance to be considered pending the outcome of the continuing Public Inquiry.
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued Appeal progressing via public inquiry process as above.
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued Public Inquiry continuing as above.
CC/14/00033/ CONADV (Shona Archer)	Heamoor Pizza 9 St Pancras Chichester	Attachment of a fascia advertisement board to the front façade	14.10.14	LBEN CC/124 issued Compliance date 25.01.15 01.10.15 – authority to prosecute obtained 26.01.16 – Defendants did not attend court. Proceedings held in abeyance in order to locate freeholders. 05.04.16 – No known address for the landowners. As a result there is no one to prosecute in this matter as officers have no up-to-date contact details for them. 07.06.17 – Direct action was taken to remove the sign Notice complied with. Remove from next list

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CC/15/00331/ CONCOM (Shona Archer)	46 South Street Chichester	Without planning permission, the removal of the ground floor shop front doors, bay windows and fascia and the construction of a replacement shop front, fascia panels and insertion of an extractor unit and grill on the north elevation building		EN CC/127 issued Appeal now withdrawn. 28.09.16 - variation in compliance period from 3 to 9 months from date appeal withdrawn whilst application submitted to redevelopment shop front under 16/03681/FUL. New compliance date 12.07.17
CC/15/00086/ CONBC (Shona Archer)	Unit 8 Chichester Trade Centre Quarry Lane Chichester West Sussex	Breach of condition in that more than 40% of the net floor area being used for ancillary retail.	02.08.16	BCN CC/131 issued Compliance date 13.09.16 22.9.16 – agent advised that the floor area is for trade only purposes but notes that it is not divided in a traditional 40/60% split 5.7.17 – not considered expedient to pursue. File to be closed. Remove from list.

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CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Without planning permission the laying of hardcore and the stationing of a mobile home for the purpose of human habitation	09.12.14	EN CH/49 issued Appeal lodged – Hearing date 10.12.15. Appeal dismissed New compliance date of 15.09.16 11.10.16 - Site inspection 07.11.16 – prosecution papers to Legal Services 22.11.16 – authority given to proceed with prosecution 18.01.17 – Further evidence to be gathered through Interview Under Caution with occupier 5.7.17 – letter before action to be sent to the landowner/occupier
CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Use of the land for the stationing of a mobile home for human habitation	09.12.14	Stop Notice CH/50 issued with EN CH/49 See above
CH/11/00538/ CONBC (Reg Hawks)	Five Oaks Stud Farm, Newells Lane, West Ashling Chichester	Without planning permission erection of a building	07.08.15	EN CH/52 issued Appeal lodged – Written Representation Appeal dismissed New compliance date 20.11.16 12.1.16 – building in process of being lowered in compliance with notice 12.4.17 – site required to assess development at this time 5.7.17 – works of compliance have now been undertaken. Close File. Remove from list

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CH/14/00399/ CONMHC (Reg Hawks)	Cockleberry Farm Main Road Bosham West Sussex PO18 8PN	Without planning permission, change of use to a mixed use comprising commercial uses, equine and the stationing of 4 no. mobile homes for the purposes of human habitation	04.08.16	EN CH/54 issued Appeal lodged –linked to s78 appeal against refusal of 16/01902/PA3P 06.06.17 – Hearing held at Assembly Rooms, Chichester Awaiting PINs decision.
E/14/00348/ CONCOU (Steven Pattie)	107 First Avenue Almodington Batchmere	Without planning permission, change of use of the land to the storage of caravans, caravan trailers, boats and domestic items	14.12.15	EN SY/63 issued Appeal lodged – written representation Enforcement upheld with variation New compliance date 22.12.16 05.01.17 partial compliance achieved. Continue monitoring to check full compliance with the notice 07.04.17 Letter sent to the owner setting out the outstanding matters. 04.07.17 Site visit will now be undertaken prior to considering any further action.
E/16/00068/ CONCOU (Steven Pattie)	Land at Earnley Grange Almodington Lane Almodington Earnley	Untidy Land	15.06.17	S215 Notice S215/27-E/28 issued Compliance date 14.10.17

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EWB/17/00147/ CONBC (Emma Kierans)	South Down Holiday Village Bracklesham Lane Bracklesham Bay	Breach of condition 3 - occupation	15.05.17	BCN EWB/41 issued Compliance date 13.06.17 Enforcement held in abeyance pending the outcome of application 17/01722/FUL
HN/15/00068/ CONBC (Reg Hawks)	Barn North Of Hunston Dairy Farm Hunston West Sussex	Breach of condition – hours of operation	31.08.16	BCN HN/23 Compliance date 01.10.16 Application 16/03286/FUL received for extending hours of operation on Saturdays - pending consideration
HN/15/00068/ CONBC (Reg Hawks)	Barn North Of Hunston Dairy Farm Hunston West Sussex	Breach of condition – non-implementation of visibility splays	31.08.16	BCN HN/22 issued Compliance date 01.10.16 for details. Then within one month of receiving the Council's written approval implement the plan and details. 28.09.16 – contravener contacting WSCC Highways for advice and may submit application for relief from condition. 18.01.17 – Letter before prosecution sent 23.02.17 – prosecution papers to Legal Services 22.03.17 – authorised to commence prosecution 01.06.17 – Court hearing at Worthing Magistrates on 30th June at 10:00am. 29.06.17 – Prosecution proceedings withdrawn. Application to seek amended visibility splays to be received by 14.08.17

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NM/15/00375/ CONBC (Shona Archer)	Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex	Without planning permission, change of use of a building to a dwellinghouse	03.08.16	EN NM/21 issued Appeal lodged – Public Inquiry – 29.09.17 (Committee Rm 1) Conjoined with s195 appeal ref: NM/16/00424/ELD
NM/15/00375/ CONBC (Shona Archer)	Land North Of Fisher Common Nursery Fisher Lane North Mundham	Without planning permission, the erection of a dwelling	03.08.16	EN NM/24 – notice issued in the alternative Appeal lodged – Public Inquiry – 29.09.17 (Committee Rm 1)
O/15/00202/ CONAGR (Reg Hawks)	Oakham Farm Church Lane Oving	Without planning permission the erection of a building, hardstanding and an earth bund	03.02.17	EN O/25 issued Compliance date 13.07.17 Appeal received - Awaiting PINs start letter
O/15/00202/ CONAGR (Reg Hawks)	Oakham Farm Church Lane Oving	Without planning permission change of use of the land to a mixed use for agriculture and the storage of caravans, motorhomes/caravanettes, motor vehicles and shipping containers.	03.02.17	EN O/26 issued Compliance date 13.07.17 Appeal received - Awaiting PINs start letter

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O/17/00074/CO NENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Compliance date 26.10.17
O/17/00074/CO NENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Compliance date 26.10.17

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PS/13/00015/ CONAGR (Reg Hawks)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for 24.09.16-04.10.16. The full extent of the planning issues to be considered at the Inquiry will depend on the outcome of current CLU appeal under ref: WSCC/036/15/PS 12.05.16 - HEARING in connection with unrestricted use of the biogas plant and equipment. 22.06.16 – appeal decision letter published re CLU appeal - APP/P3800/15/3137735. Appeal part allowed/part dismissed. s78 & s174 appeals held on 25-28.04.17 – 03-04.05.17 – Binsbury College, Pulborough 31.07.17 is the last scheduled day for the Inquiry
PS/13/00015/ CONAGR (Reg Hawks)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued Appeal lodged – Public Inquiry originally scheduled for 24.09.16-04.10.16. The full extent of the planning issues to be considered at the Inquiry will depend on the outcome of current CLU appeal under ref: WSCC/036/15/PS 12.05.16 – Hearing in connection with unrestricted use of the biogas plant and equipment. 22.06.16 – appeal decision letter published re CLU appeal - APP/P3800/15/3137735. Appeal part allowed/part dismissed. s78 & s174 appeals held on 25-28.04.17 – 03-04.05.17 – Binsbury College, Pulborough 31.07.17 is the last scheduled day for the Inquiry

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PS/14/00278/ CONENG (Reg Hawks)	Hardnips Barn Crouchland Farm Rickmans Lane	Without planning permission, erection of a timber open sided building and the laying of a hardsurface area	03.02.17	EN PS/57 issued Compliance date 13.10.17
SB/15/00274/ CONCOU (Shona Archer)	Reedmans Yard Prinsted Lane Prinsted Emsworth Hampshire PO10 8HS	Change of use of the land to a mixed use comprising agriculture and the storage of cut logs, two x touring caravans, a 4x4 vehicle, a derelict car, window frames and doors, waste building materials and four trailers.	03.11.16	EN SB/110 issued Compliance date 15.06.16 16.06.16 – compliance visit carried out. At this there has been an improvement in the condition of the land overall. Further site visit arranged with the Environment Agency w/c 11.07.16 22.9.16 – site inspected. Land is used as a builders yard as approved in 1979; agricultural buildings used to shelter horses; tractor vehicles in the enclosed yard area; cut timber stored in the open to the west of the buildings; no control over what vehicles can access the land or at what time. A green storage tank placed on top of the buildings will be removed. Case to be reviewed with legal services. 13.1.17 – Further PCN issued with covering letter 4.4.17 – no further action has been taken at this time 5.7.17 – a site visit will be undertaken in July to assess the current situation and the need for any action.
SB/16/00176/ CONCOU (Emma Kierans)	Land East of Inlands Road, Inlands Road, Nutbourne	Without planning permission, the use of three metal shipping container buildings	15.12.16	EN SB/114 issued Appeal received– Written Representation Awaiting date for PINs site visit

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SB/16/00122/ CONHH (Emma Kierans)	Mayfair 20 The Drive Soutbourne	Without planning the construction of a wooden single bay car port building	19.12.16	EN SB/113 issued Compliance date 30.07.17
SB/16/00331/ CONBV (Reg Hawks)	Thornham House Prinsted Lane Prinsted Emsworth	Without planning permission the construction of a tennis court	12.01.17	EN SB/115 issued Compliance date 23.05.17 S78 appeal in progress against refusal of planning permission 16/00757/FUL. Await outcome of this appeal.
SI/16/00359/ CONTRV (Emma Kierans)	Land adj to Ham Road Sidlesham	Without planning permission the stationing of a mobile home for the purposes of human habitation	26.06.17	EN SI/69 issued Compliance date 26.01.18
SI/14/00397/ CONMHC (Reg Hawks)	Land at Church Farm, Church Farm Lane Sidlesham	Without planning permission, change of use of the land to the stationing of a mobile home for the purposes of human habitation	14.09.15	EN SI/68 issued Appeal lodged – Written Representation Appeal dismissed with a compliance period of 7 months Compliance date of 22.03.17 agreed to be extended by one month to 24.04.17 24.04.17 – Notice complied with. Remove from next list
SI/15/00157/ CONMHC (Reg Hawks)	Land south of Green Lane Piggeries, Ham Lane Sidlesham	Without planning permission, stationing of a mobile home for the purposes of human habitation	13.05.15	EN SI/67 issued Appeal – hearing held 09.02.16. - EN upheld with variation in the time period for compliance; 3 year planning permission granted for 2 no. touring caravans on the site and to build a day room. By 21.4.17 the mobile home, cesspool and track are to be removed from the land 07.08.16 – Notice complied with. Remove from next list

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SY/15/00074/ CONHH (Shona Archer)	47 Wellington Road Selsey Chichester	Without planning permission to erection of a dwellinghouse	25.11.15	EN SY/62 issued Appeal lodged – Written Representation. 13.09.16 - Appeal dismissed 19.01.17 - Appeal lodged with High Court against PINs decision 16.02.17 – Permission to appeal refused New compliance date 16.08.17
SY/15/00177/ CONHH (Steven Pattie)	Portsoy 16 Bonnar Road Selsey Chichester PO20 9AT	Without planning permission the erection of an extension	14.12.15	EN SY/63 issued Compliance date 25.07.16 27.9.16 – Letter to owner to be sent advising that prosecution proceedings will now be instigated. Notice held in abeyance until determination of application 16/03696/DOM 30.03.17 – application remains pending consideration
SY/15/00376/ CONADV (Shona Archer)	Unit 2 Sherrington Mews Ellis Square Selsey Chichester	Discontinuance Notice	02.08.16	Discontinuance notice SY/66 issued Appeal lodged – Written Representations – awaiting PINs site visit
SY/15/00341/ CONBC (Shona Archer)	Land North West Of Park Road Selsey West Sussex	Breach of condition – compliance with the construction management plan	05.08.16	BCN SY/68 issued Compliance date 05.09.16 Site visits ongoing to check full compliance with the BCN

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WE/15/00135/ CONWST (Reg Hawks)	Land west of The Bridle Lane Hambrook	Without planning permission, the excavation of top soil, deposit of hardcore to form a track	15.10.15	EN WE/33 issued Appeal lodged – Written Representations Appeal dismissed and notice is upheld New compliance date 13.12.16 16.01.17 – letter before action sent to comply by 13.02.17 13.03.17 – no change following site visit. 04.04.17 - Case referred to commence prosecution proceedings 19.04.17 – prosecution paperwork forwarded to Legal but held in abeyance pending site visit; 30.05.17 – further SV to check compliance at the request of an interested party. It was observed that the hardsurface access track had not been removed – Legal Services instructed to proceed with prosecution.
WE/15/00322/ CONENG (Reg Hawks)	Land west of Jubilee Wood Hambrook Hill North Hambrook	Without planning permission the construction of a storage compound	20.01.16	EN WE/34 issued Compliance date 02.06.16 14.09.16 - application refused under WE/16/00565/FUL 27.09.16 – letter before action sent with one month compliance following refusal of planning application. 10.11.16 – site visit revealed storage compound demolished. Partial compliance achieved – defer removal of the materials from the land pending outcome of s78 appeal lodged against refusal of WE/16/00565/FUL 31.03.17 – appeal in progress 19.05.17 – appeal dismissed. 03.07.17 – letter sent out seeking removal of the materials from the land.

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WE/15/00134/ CONACC (Steven Pattie)	Land West Of Hopedene Common Road Hambrook Westbourne	Without planning permission, change of use to a car wash business	20.08.15	EN WE/32 issued Appeal lodged – Written Representation Appeal dismissed 4.4.17 use has ceased and works to remove concrete hardstanding has commenced. 09.05.17 – Notice complied with. Remove from next list
WE/15/00363/ CONBC (Shona Archer)	The Woodlands Marlpit Hambrook Westbourne Emsworth	Without planning permission, change of use to the stationing of a mobile home for the purposes of human habitation	03.08.16	EN WE/36 issued Appeal lodged. Hearing conjoined to s78 appeal 29.06.17 – Appeal dismissed and enforcement notice upheld. Application for costs upheld. S78 appeal allowed under 15/03965/FUL Remove from next list.
WE/15/00410/ CONHH (Steven Pattie)	Church House Westbourne Road Westbourne	Without planning permission, the erection of a solid metal gate and gate posts, 1.8 metres in height	13.12.16	EN WE/37 issued Compliance date 24.04.17 25.04.17 – a site visit showed that the notice had not been complied with. 09.05.17 – Notice complied with. Remove from next list.
WE/16/00094/ CONMHC (Reg Hawks)	Racton View Marlpit Lane Hambrook Westbourne	Without planning permission, change of use of the land to a mixed use for agriculture and the stationing of a mobile home for the purposes of human habitation	09.01.17	EN WE/38 issued Compliance date 20.08.17 Appeal received – Public Inquiry conjoined with s78 appeal ref: 16/03010/FUL

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WI/14/00365/ CONCOU (Steven Pattie)	Northshore Yacht Limited The Street Itchenor	Without planning permission change of use of the land for the storage of boat moulds	08.04.16	EN WI/21 issued Compliance date 20.11.16 12.1.17 – site visit showed partial compliance achieved. Operator of site confirmed that works would continue once ground has dried out. 07.04.17 - Continue monitoring to check full compliance with the notice 04.07.17 – Site visit to be carried out in July and consideration of any further action.

Agenda Item 15

Chichester District Council

Planning Committee

Wednesday 19 July 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
E/17/00237/FUL WR (M Tomlinson)	138 Easton Lane, Sidlesham, PO20 7JY - Change use of 2 no. roomed seasonal bed and breakfast accommodation building to dwellinghouse to include the addition of attached garage.
EWB/16/03920/FUL WR (C Boddy)	27 Coney Six, East Wittering, PO20 8DL - 2 no. dwellings, garage and associated works.
SDNP/17/01197/FUL Harting WR (D Price)	Tye Oak Farm Cottages, Hollist Lane, East Harting, West Sussex - Demolition of existing dwellings, replacement detached two-storey dwelling and a detached single storey three bay garage.

SDNP/16/04426/FUL Midhurst WR (J Shore)	Land to The rear of Fourwinds, Chichester Road West Lavington, Midhurst, West Sussex, GU29 9QE - Construction of detached 5 bedroom dwelling.
SI/ 15/03440/ELD I (M Tomlinson)	The Cottage, Chichester Road, Sidlesham Common Chichester, West Sussex, PO20 7PY - Use of land as private residential garden land in connection with The Cottage Chichester Road Sidlesham Common Chichester West Sussex PO20 7PY.

2.DECISIONS RECEIVED

Reference/Decision	
SDNP/16/03417/FUL WR (J Shore) DISMISSED	Lodge Copse Barn, Crouch Lane, Barlavington, West Sussex - Conversion of redundant barn to residential dwelling.
<p>The proposal is accompanied by a structural report. The overall conclusion of the report is that the building is structurally sound and I accept that some elements of the scheme would constitute repairs. Notwithstanding, the detail of the report also states that the foundations had not been inspected, and there would be a need to open these up to confirm that they could support the load bearing walls proposed within the scheme. Therefore, I am not persuaded that the building would be capable of being converted or that the historic fabric of the building would be conserved. The second bullet of paragraph 55 of the Framework would therefore not be met.</p> <p>I turn now to consider whether the scheme would lead to an enhancement of the immediate setting. The barn has a very simple agricultural character which is visible from the road. The wall surrounding much of the site is low enough to allow the appearance of an open aspect to the barn's setting. The immediate setting is open countryside, hedges and woodland. There is no evidence of domestic activity and there is a very distinctive rural and tranquil quality to the surroundings. Although there is some indication of storage use, the site does not appear particularly untidy and the building sits very comfortably in its surroundings.</p> <p>Furthermore, the large areas of glazing, roof lights, and the alterations to the openings on the south west elevation would change the character from a simple agricultural structure to one which would be significantly more domestic in appearance. The glazed area would accommodate the main living space and this would contribute to a considerable amount of light that would be highly visible against dark skies, given the lack of lighting within the area. The domestic features would be seen from the road even with the wall in place, and the residential conversion would be highly prominent. Any landscaping would take some time to mature and would not mitigate the effect of the glazing and other openings within the scheme. I consider the scheme would be detrimental to the immediate setting of the building and landscape character of the SDNP.</p>	

E/16/01459/FUL WR (P Hunt) DISMISSED	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
<p>The appeal site is not a suitable location for housing as it would be contrary to local and national planning policy to which I afford great weight. I have had regard to all material considerations including the 'fallback' position, the need to significantly boost housing supply and the fact that a new build dwelling would likely have greater energy efficiency than the greenhouse as converted. However, given my findings above, these matters do not outweigh the conflict with the development plan. The presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, does not, therefore, apply.</p>	
E/16/02914/FUL WR (F Stevens) DISMISSED	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
As above	
SDNP/16/03109/FUL WR (D Price) ALLOWED	Wattons Barn, Hollist Lane, East Harting, GU31 5LU - Demolition of the existing Atcost barn and the conversion of the existing brick and stone dairy building into a two bedroom dwelling house together with associated alterations and off-street forecourt car parking for two cars and a garden amenity area.
<p>The proposed conversion would be sympathetic to the design and layout of the former dairy. It is proposed to retain the larger central bay with only limited partitioning to the end bays. Although there would be some comings and goings as a result of the conversion this would be limited and would not affect the tranquillity of the area to any significant degree. The residential use would be compatible with existing development within the immediate area. For the reasons given above, I conclude that the proposal would preserve the character and appearance of the East Harting Conservation Area.</p> <p>I consider the scheme would constitute an isolated dwelling in the countryside. Paragraph 55 of the Framework indicates that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.</p> <p>The parties agree that the building has some limited heritage value. The conversion of the building would secure the retention of the remaining historical features of the barn. From the evidence before me other uses would not be economically viable or attractive in terms of demand. The special circumstances of paragraph 55 of the Framework includes where development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting. The Atcost barn is a large, unattractive and prominent building that is at odds with the walled setting of the site and features of the former dairy to be converted. The removal of this barn and restoration of the dairy building would lead to an enhancement of the immediate setting. I conclude that the proposal would be consistent with national and local planning policies on new dwellings in the countryside. The scheme would make a very small contribution to the supply of</p>	

<p>housing within the area. The conversion would result in temporary jobs that would add to economic growth albeit on a temporary basis. Residents would make use of the services and facilities which exist in South Harting. The policies of the Framework in respect of the National Park indicate that great weight should be given to conserving landscape and scenic beauty in National Parks. I have concluded that the scheme would preserve the character and appearance of the East Harting Conservation Area, and would result in an enhancement of the immediate setting. It would also conserve the landscape and scenic beauty of the National Park.</p>	
<p>LX/16/02700/FUL WR (P Hunt) DISMISSED</p>	<p>Mallards Farm, Guildford Road, Loxwood, RH14 0QW - Replacement dwelling.</p>
<p>"The development proposed is a replacement dwelling. The proposed house would replace a discreet, single storey outbuilding of rural appearance with a larger scale, modern house. As it would come forward of the line of the two adjacent houses and be set at an angle, the proposed house would be prominent in views from the access road from where its modern, formal appearance and angled siting would detract from the rural landscape. There may be views from nearby public paths... Although the proposed house would be set down in the plot to reduce the height, because of the natural rise in the land, this would not reduce its harmful impact when viewed from the surrounding area. The appeal site has planning permission for a new house replacing a mobile home. Even taking into account the impact of the existing outbuilding together with the approved house (including comparative floor space), because they are modest, discreet buildings they would be assimilated into the landscape without harm. The removal of the outbuilding would not therefore be a benefit or justify the proposal. The first floor, front window of the proposed dwelling would allow views towards the existing adjacent house... This would be a greater effect than that of the approved dwelling where there are only rooflights at first floor and fencing could screen ground floor windows. For these reasons, the appeal is dismissed."</p>	
<p>SB/16/00757/FUL WR (F Stevens) In Progress</p>	<p>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.</p>
<p>...The appeal is allowed and planning permission is granted for the erection of a tennis court ...The main issue is the effect on the character and appearance of the area, having regard to the Chichester Harbour Area of Natural Beauty (AONB)... The tennis court has been erected partly in the tapering rear garden area and partly in an informally planted area, which, although not agricultural, appears to be countryside...There has been a change in character to a section of part of the appeal site from an informally planted area with to a domestic garden, with a different boundary. However, regardless of the tennis court, the appeal property, garden and high hedge exert a strong domestic character over the lower part of the garden which is relatively narrow and tapering...The sense of a house and domestic garden sitting within a large open and rural plot is relatively unaltered and views from the harbour remain as looking towards a large, natural area, beyond which scattered houses and domestic gardens can occasionally be seen. In this respect, there is no harm to the landscape setting of Chichester Harbour. Prinsted Lane, a public right of way, runs through the plot alongside the tapering garden area... newly planted trees and a boundary hedge will, over time, soften the views of the court and fencing.</p>	

<p>Moreover, the open coastal plain and views over the harbour remain unchanged from the path and appeal scheme is not harmful to the beauty of the landscape experienced from the path. The approved tennis court would have brought noise and activity to the similar part of the garden and, although the hedge across the gardens has been removed, the effect in this respect would not be much different..."</p>	
<p>WE/15/00363/CONBC H (R Hawks) DISMISSED, ENFORCEMENT NOTICE UPHELD</p>	<p>The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ – Appeal against an enforcement notice regarding stationing of a mobile home for the purposes of human habitation LINKED TO WE/15/03965/FUL</p>
<p>Appeal A: the appeal is dismissed and enforcement notice upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act. However, refer to the outcome of the s78 appeal decision below – Appeal B allowed and planning permission granted for a material change of use from agriculture to use as a single travelling showperson plot. Reliance is placed on s180(1) of the Act which states that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.</p> <p>Costs Application Decision as per decision below.</p>	
<p>WE/15/03965/FUL H (C Boddy) ALLOWED</p>	<p>The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Retention of 1 no. mobile home to serve the dual purpose of providing a single travelling show persons pitch and a single Gypsy pitch. LINKED TO WE/15/00363/CONBC</p>
<p>APPEAL B - APPEAL AGAINST A REFUSAL OF PLANNING PERMISSION The appeal is allowed and planning permission is granted for a material change of use from agriculture to use as a single travelling showperson plot The main issue before this appeal was whether the occupiers of the site are gypsies and travellers or travelling showpeople meeting the definitions in Annex 1: Glossary, of Planning Policy for Traveller Sites (PPTS) (2015). Copies of a letter confirming that he was born a gypsy and that he carries out work in landscaping, tree surgery and ground works as well as travelling to fairs. The wife's birth certificate where her father's profession is described as 'Travelling Showman' and their marriage certificate where the appellant is described as a 'Stonemason' and Mrs Linn as a 'Showman'. The appellant also supplied a letter from the General Secretary of the Association of Independent Showmen, confirming that Mr Linn is a full member of the association. None of the information listed above provided any evidence of substance that neither the appellant nor his wife satisfied either the definition of gypsies and travellers or of travelling showpeople. However, during the course of the hearing the appellant produced copies of insurance certificates and safety inspection certificates for his fairground rides and sideshows together with pitch receipts for a number of fairs around the country, all covering a number of years prior to the issue of the enforcement notice or the planning application. The Council agreed with the conclusion that the information provided at the Hearing confirmed on the balance of probability that the appellant and his wife met the definition of 'travelling showpeople' in PPTS. There was no evidence that the appellant or his wife met the definition of gypsies and travellers. There is no current unmet need.</p>	

The appellant, the occupier of the site, cannot demonstrate status as a gypsy and traveller in accordance with the definition in PPTS. He can, however, demonstrate that he is a travelling showperson. The appeal proposal represents sustainable development in the form of a travelling showperson site with a single plot in a suitable location. The proposal would be in conformity with development plan and national policy, as expressed in PPTS.

Appeal B should be allowed.

APPEAL A - APPEAL AGAINST ENFORCEMENT NOTICE

The appeal is dismissed and the enforcement notice is upheld

3.OUTSTANDING APPEALS

Reference/Status	Proposal
SDNP/17/00030/APNB Bepton WR (R Grosso MacPherson) In progress	Padwicks Farm, Whites Lane, Bepton, GU29 0LY - Agricultural storage building.
BI/15/00139/CONSH PI (S Archer) Awaiting decision	Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – appeal against an enforcement notice re access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV
BI/15/00194/CONTRV PI (S Archer) Awaiting decision	Land North West of Premier Business Park Birdham Road Birdham, West Sussex – appeal against an enforcement notice re Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH
BI/15/01288/FUL PI (S Archer) Awaiting decision	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)	Hollow Farm, The Street, Bury, Pulborough, West Sussex RH20 1PA - Construction of outdoor swimming pool and associated changing room building.

In Progress	
CH/14/00399/CONMHC H (R Hawks) Awaiting decision	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Appeal against an enforcement notice regarding the stationing of mobile homes for the purposes of human habitation. LINKED TO CH/16/01902/PA3P
CH/16/01902/PA3P H (M Tomlinson) Awaiting decision	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
CC/16/03484/FUL WR (C Boddy) In progress	18 Lavant Road, Chichester, West Sussex, PO19 5RG – Demolition of existing property and construction of 3 no. dwellings, with associated access, parking and landscaping
CC/16/03916/ADV WR (P Hunt) In progress	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/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/16/05784/FUL Fernhurst WR (R Grosso MacPherson) In progress	Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.
SDNP/16/05877/FUL Fernhurst WR (B Stubbington)	Home Farm, Bell Road, Kingsley Green, Fernhurst, GU27 3LG – Formation of a new access with field gate and associated track.
SDNP/16/05918/HOUS Graffham FT (B Stubbington) In progress	Summerfield Cottage, Graffham Street, Graffham, GU28 0NP – Proposed new driveway with off road parking.

SDNP/16/04701/LIS Harting H (Rafa Grosso MacPherson)	East Harting Farm, Hollist Lane, East Harting, Petersfield, GU31 5LU – Extension to annex.
SDNP/16/04896/FUL Harting WR (Rafa Grosso MacPherson)	Hill Ash Farm, Hill Ash Lane, West Harting, GU31 5NY - Construction of 1 no. store building for equestrian use.
SDNP/16/00425/FUL Lodsworth WR (J Shore) In progress	Old Bakehouse, Surrey Road, Lickfold, Lurgashall, Petworth, West Sussex, GU28 9DX - Replacement dwelling.
LX/16/03786/FUL Loxwood WR (Paul Hunt)	Land at Oakhurst Farm, Oakhurst Lane, Loxwood, Billingshurst, RH14 0QR - Demolition of existing kennels building which has consent to be converted into a dwelling under application reference LX/15/00138/FUL and the erection of a new residential building to the west of the existing building.
SDNP/14/00448/COU Lurgashall WR (S Pattie) In Progress	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA – appeal against an enforcement notice re: COU of land to garden land.
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 – appeal against an enforcement notice: 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
SDNP/16/00204/OPDEV Midhurst WR (S Archer) In progress	Flat 2, Thomond House, North Street, Midhurst, GU29 9DJ – Formation of door opening.

<p><u>NM/15/00375/CONCOU</u> I (R Hawks) In Progress Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex – appeal against an enforcement notice: Change of use of barn to single dwelling. Linked to <u>NM/16/00424/ELD</u></p>
<p><u>NM/16/00424/ELD</u> North Mundham I (Reg Hawks) Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p>	<p>10 Acres, Land North of Fisher Common Nursery, Fisher Lane, North Mundham, PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010. <u>Linked to NM/15/00375/CONCOU</u></p>
<p><u>NM/16/03884/OUT</u> WR (Fjola Stevens) In progress</p>	<p>The Pine Place, Lagness Road, Runcton, PO20 1AQ – Outline Application for 4 no. dwelling houses and associated works.</p>
<p><u>O/16/02254/OUT</u> I (J Bushell) Awaiting Decision</p>	<p>Land To The South Of Oving Road/B2144, Shopwhyke West Sussex - Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure.</p>
<p><u>PS/13/00015/CONCOU</u> I (R Hawks) Adjourned to 31 July 2017 at Brinsbury College, Pulborough</p>	<p>Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of anaerobic digestion tanks and equipment for importation of waste and export of biomethane. Construction of a digestate lagoon without planning permission. Appeal against two enforcement notices. Linked to s78 appeal against refusal of planning permission by WSCC.</p>
<p><u>SB/16/00176/CONCOU</u> WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex – appeal against an enforcement notice: Stationing of metal container buildings. LINKED TO SB/16/02811/FUL</p>
<p><u>SB/16/02811/FUL</u> WR (R Ballam/E Kierans) In progress</p>	<p>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</p>

SB/16/03569/OUT Southbourne I (Rhiannon Jones)	Land East of Breach Avenue, Southbourne - Outline with all matters reserved except access - development of up to 34 dwellings, access, retention of orchard, public open space and other associated works.
SDNP/16/00334/COU Stedham H (Shona Archer)	The Old Studio, Bridgefoot Lane, Stedham, West Sussex, GU29 0PT – appeal against an enforcement notice: Use of annexe as a self contained residential unit.
TG/16/03798/FUL Tangmere WR (R Ballam)	1 Boxgrove Corner, Arundel Road, Tangmere, PO18 0DU – Erection of 1 no. 3 bed chalet bungalow.
SDNP/16/00069/COU Upwaltham I (Shona Archer) Public Inquiry to be held 10am 31 October and 1 November at CDC Committee Room 2	The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – appeal against an enforcement notice - use of workshop as single dwelling.
WH/16/02827/FUL WR (C Boddy) In progress	Maudlin Mill, Sidengreen Lane, Maudlin, Westhampnett, Chichester, West Sussex, PO18 0QU - Construction of a workshop with first floor office.

4. VARIATIONS TO SECTION 106 AGREEMENTS

Land to north east of Tangmere Military Aviation Museum, Tangmere – The ‘Bader Heights’ housing development

The Bader Heights housing development on the former site of the grain stores at Tangmere airfield for 160 dwellings is now well advanced. The mortgagee clauses in the Section 106 agreement as originally drafted prevent Drum Housing Association Limited (the Registered Provider in this instance) from achieving the maximum possible value when securing affordable housing to loan finance. The proposed variation of the standard mortgagee exclusion clause in the agreement has been assessed by officers and by the Council’s Housing Officer who raised no objection. The National Housing Federation (the professional body of registered providers) has produced standard text relating to the mortgagee in possession clauses which are now widely used by other councils. Chichester District Council now includes the standard text in new Section 106/nominations agreements. The changes to this agreement follow this standard.

The changes to the mortgagee clause does not change the approved proportion, mix and tenure of affordable dwellings secured under the Section 106 agreement merely the mortgage arrangements. There are no significant planning implications raised by the proposals and this Council in common with other councils in the area are experiencing submission of a number of applications to vary existing agreements in this way. The

variation facilitates the ability/viability of registered providers to continue to deliver affordable housing in the district. Accordingly a deed of variation was completed in this regard on 22nd June 2017.

Members are asked to note the completion of the deed.

Land at Park Farm, Selsey

Hybrid outline planning permission was granted on 14.09.2015 under SY/14/02186/OUTEIA for the following development - Full application for Class A1 foodstore, car parking, Class A3/A4 pub/restaurant, petrol filling station, new access, landscaping and ancillary works. Outline planning application for up to 139 dwellings, hotel, Class D1 building, open space, landscaping and new access. Under the full application component of this permission the developer has now constructed and opened the new ASDA foodstore, the associated petrol filling station and a Costa coffee. The section 106 agreement for the development secured a number of off-site highway improvements. The applicant/developer applied specifically to vary the trigger point for works to the Ferry Bends on the B2145 in respect of the new ASDA foodstore and to adjust level of TAD contribution to reflect the actual costs of highway works. The highway works to the Ferry Bends were required by WSCC to widen and improve the alignment of the road for highway safety reasons as part of the original permission. The variation to the trigger is brought about because of timetabling issues with British Telecom in terms of re-routing fibre optic cables under the carriageway. The variation which has been agreed with WSCC Highways is in essence for the Ferry Bends widening works to be done within 18 months of the ASDA store opening unless a revised timetable is agreed with WSCC and dependant on BT's intended programming of diversion works for cabling under the road.

A second component of the deed of variation is a reduction in the TAD contribution to offset the increased cost associated with the implementation of Ferry Bends improvement scheme (specifically the increase in costs associated with the diversion of the fibre optic cable, which was not included in preliminary cost estimates) and bus stop and lay-bys. The overall agreed TAD contribution is therefore £236,950. Again the level of contribution is agreed by WSCC as local highway authority.

Members are asked to note the completion of the deed on 3rd May 2017.

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	30 June: proceedings withdrawn at court as the defendant will submit an application to CDC for a variation of the Condition in question.

7. POLICY MATTERS

NONE