

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 16 August 2017 at 9.30 am**

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

AGENDA Part 1

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 19 July 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 13 (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 11 INCLUSIVE

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

5 **TG/17/01348/FUL - Land On The East Side Of Meadow Way, Tangmere (Pages**

3 - 13)

Creation of new vehicular access, realignment of internal estate road, minor reconfiguration of public open space, landscaping amendments and provision of hardstanding in front of plots 57-59.

6 **SY/17/00951/FUL - Selsey Regeneration, 53A High Street, Selsey** (Pages 14 - 21)

Change of use of ground floor from class A2 office to class A3/A5 - cafe/hot food take-away including installation of internal routed extract duct.

7 **SB/17/00589/FUL - South Barn, Brook Farm, Priors Leaze Lane, Hambrook** (Pages 22 - 35)

Proposed partial re-development of the site comprising of the demolition of existing workshop and the construction of live-work workshops and artists' accommodation.

8 **SB/16/03751/FUL - Nutbourne Farm Barns, Farm Lane, Nutbourne** (Pages 36 - 47)

Change of use of existing storage building to a 2 bed holiday let.

9 **FU/17/00535/FUL - Rookmore Riding and Carriage Driving School, Scant Road, East Hambrook** (Pages 48 - 59)

6 no. stables, feed room and 2 no. holiday let units and associated parking and paddock.

10 **FB/16/03464/FUL - Avalon 22 Halfrey Road, Fishbourne** (Pages 60 - 72)

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

11 **CC/17/01158/FUL - Priory Park, Priory Lane, Chichester** (Pages 73 - 80)

Installation of 1.2m bow top railings to the inner perimeter.

12 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 81 - 95)

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

13 **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 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

14 **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 within Part 1 of the agenda on Chichester District Council's website at <http://www.chichester.gov.uk/committees>.

3. 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]

4. How applications are referenced:

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

Application Type

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

**Committee report changes appear in bold text.
Application Status**

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

Chichester District Council

Planning Committee

Wednesday 16 August 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 (CC)
- Mrs J L Kilby – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

Personal Interests - Membership of West Sussex County Council

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

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

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

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

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

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

The following member of the Planning Committee declares a personal interest as a Chichester City Council 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: Tangmere	Ward: Tangmere
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TG/17/01348/FUL



Proposal Creation of new vehicular access, realignment of internal estate road, minor reconfiguration of public open space, landscaping amendments and provision of hardstanding in front of plots 57-59.

Site Land On The East Side Of Meadow Way Tangmere West Sussex

Map Ref (E) 490847 (N) 106859

Applicant Mr Dave Buczynskj

RECOMMENDATION TO Approved

		
	<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>

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site comprises a small parcel of a larger site that abuts the northern side of Tangmere village and which is currently undergoing a development of 59 dwellings (TG/12/01739/OUT and TG/15/00918/REM refer).
- 2.2 The development is well advanced, with a number of dwellings and internal estate roads already constructed and a large area of open space laid out. However, it is understood that none of the dwellings are currently occupied.

3.0 The Proposal

- 3.1 The extant planning permission for the 59 unit scheme involves the creation of a singular point of vehicular access onto City Fields Way; this access has already been constructed. The current application seeks to create a second vehicular access onto Meadow Way, at a point about halfway down the site's western boundary. The proposal would result in a minor amendment to the layout of the permitted scheme, essentially involving the realignment and extension of an internal estate road alongside attendant changes to the adjacent area of public open space.
- 3.2 The proposed access would measure 5.5m wide with entry radii of 8m. A 2m wide footway would be formed along the northern side of the access, linking to an existing pedestrian crossing point on Meadow Way. In order to provide the highway visibility splay required to the north of the access, three trees would be removed from a tree belt that runs along the development site's western boundary.
- 3.3 A planning application which seeks to amend the number and mix of dwellings on a different parcel of the development site is currently under separate consideration (TG/17/00540/FUL refers).

4.0 History

12/01739/OUT	REF	Outline planning permission for development of the site comprising 59 residential units, associated public open space, landscaping, access and car parking.
14/01739/NMA	PER	Non material amendment for planning permission TG/12/01739/OUT To allow sufficient flexibility with regard to the proposed vehicular access from City

15/00918/REM	PER	Fields Way. Development of the site comprising 59 residential units, associated public open space, landscaping, access and car parking. Application for approval of reserved matters following outline planning permission TG/12/01739/OUT in respect of appearance, landscaping layout and scale.
17/00540/FUL	PCO	Erection of 12 no. semi detached dwellings to replace 8 no. dwellings approved under outline consent TG/12/01739/OUT and reserved matters consent TG/15/00918/REM.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Tangmere Parish Council does not consider access directly onto Meadow Way is sufficiently safe due to both speed of traffic exiting the A27 and standing traffic at peak times. Eliminating access in City Fields way will compromise community access to the public open space would be compromised (sic). The felling of trees will have a big impact on the street scene.

6.2 Highways England

No objections

6.3 WSCC Local Highway Authority

Initial comments

The Applicant has engaged the LHA for pre-application advice prior to the submission, to establish the scope of the assessment and the design parameters of the junction.

No objection is raised subject to conditions.

Access

Manual for Streets (MfS) parameters for visibility splays have been applied, utilising recorded 85th percentile speeds. Splays of 2.4m x 52m and 50m to the north and south respectively have been demonstrated. The splays will require the loss of vegetation adjacent to the access. The LHA are satisfied for the splays to be offset by up to 1m from the kerb line, in accordance with MfS guidance, to minimise the impact on vegetation.

The geometry of the junction replicates that of the consented access off City Fields Way, and vehicular tracking establishes that a refuse vehicle can access the site without detriment to the safety of Meadow Way.

A 'Stage 1: Road Safety Audit' has been undertaken in accordance with the WSCC Road Safety Audit Policy. Problems raised by the Auditor have been addressed in accordance with the Auditor recommendations. It will be necessary to condition the visibility splays to ensure that they are maintained in perpetuity to satisfy matter A.1.1. The splays should be kept clear between of obstruction above a height of 600mm and below 2000mm.

It is unclear as to whether the consented access from City Fields Way will be utilised. The introduction of both accesses would create a possible 'rat-run' through the site. However, the associated journey time (as a result of multiple junctions and a residential type road) would be in excess of a journey via the Meadow Way/City Fields Way junction, and therefore the route would not present an attractive or viable alternative route.

Further comments

There would be no objection to the proposal comprising the sole point of access to the development or it being used in conjunction with the permitted City Fields Way access.

6.4 CDC Tree Officer

The trees are young Field Maple mixed in with Hawthorn, which would indicate that they form part of a mixed hedge, now outgrown. The trees are 6m (est.) in height and appear healthy. Multi stemmed form with tight forks. They are categorised as C grade in the survey accompanying the planning application, in accordance with the recommendations and guidance in the current BS5837:2012 for trees in relation to development.

I would agree with this categorisation, which would indicate that these trees should not be considered as a constraint to development. While the whole feature is visible in the public domain the three trees to be removed are considered not to be of such public amenity value as to warrant the imposition of a Tree Preservation Order. I note the remaining

feature is to be retained, this being the case, steps should be taken to protect the remaining hedge feature from damage in the build process.

6.5 Third Party Representations

The applicant doesn't explain the need for the proposal; the existing approved access is preferable in highway terms to the one that is now proposed; loss of trees is unacceptable and has not been justified; maintenance of sight lines will place an unacceptable burden on the Highway Authority; loss of trees may have a detrimental impact in respect of noise experienced by existing and prospective residents; loss of trees will be detrimental to nearby residential amenity; the proposal would conflict with the Non Material Amendment application submitted by the applicant; the planning application site notice has been inappropriately sited; the right to judicially review any decision of the Council is reserved.

6.6 Applicant/Agent's Supporting Information

This application relates to the creation of a new access and does not seek the closure of the approved southern vehicular access. Persimmon Homes has no objection to the proposed access being used as either a single access or a secondary point of access to the scheme.

With regard to the removal of three trees, the submitted tree report is clear that the three trees are individually classed as Category C trees which are of no great age, size or condition, nor do they have such amenity value to consider them worthy of a Tree Preservation Order.

To avoid removing those trees, the proposed access would need to be relocated further to the south into the public open space of the site, to the detriment of the development. As such, and given the Category C classification of the trees and the additional planting proposed as part of the application, it is considered the submitted scheme is the most appropriate solution.

The submitted Highways and Transport Supporting Statement analyses the local road conditions, collision records, up to date traffic data - including speeds and the ability to accommodate the requisite highway geometry within the proposed design. This statement demonstrates that there is no reason in transport terms why the proposed access to serve the development cannot be permitted.

Persimmon Home has addressed the matters raised by the Local Planning Authority in respect of elements of the scheme and has made the following amendments during the lifetime of the application:

- re-siting of bollards on the footpath to ensure pedestrian safety
- amendments to the landscaping scheme to provide hedging adjacent to the highway to deter cars manoeuvring onto the public open space.
- providing signage to stop heavy goods vehicles from the A27 turning into the estate through directional signage to the nearby industrial and office estates.

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 2014-2029 forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 48: Natural Environment
Policy 49: Biodiversity

Tangmere Neighbourhood Plan

Policy 9: Tangmere Sustainable Movement Network

National Policy and Guidance

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

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

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

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

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), Section 4 (Promoting sustainable transport) and Section 11 (Conserving and enhancing the natural environment).

7.5 The relevant guidance in the National Planning Practice Guidance has been taken into account.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) highway safety and development layout
- ii) residential amenity
- iii) other matters

Assessment

(i) Highway safety and development layout

8.2 As referred to in the Highway Authority's consultation response the proposed access meets required standards in terms of its dimensions and achievable visibility. Whilst northbound traffic exiting the site may occasionally need to filter into queuing A27-bound traffic on Meadow Way, this should not give rise to safety issues. Similarly, visibility from the access is considered sufficient in terms of approaching southbound vehicles that are exiting the A27.

8.3 It is possible that the creation of a second access could result in Chichester Business Park traffic travelling through the development. Whilst in practice this is unlikely to occur, the Highway Authority has accepted the applicant's suggestion to erect signage on Meadow Way which should help to direct southbound traffic to the Park via the Meadow Way-City Fields Way junction. This signage would be secured by a planning condition which is set out below.

8.4 Whilst the removal of three overgrown hedgerow trees (field maple/hawthorn) is unfortunate, for the reasons set out in the Tree Officer's response these specimens are not considered worthy of TPO status, and undue harm to the character and appearance of the locality should not result from their loss. The applicant has agreed to plant three replacement trees within the site and these would be secured as part of a landscaping scheme required by condition.

8.5 Formation of the access would necessitate a small change to the open space which would serve the 59 unit development. In summary, the extended and realigned access road would cut through the very north-western corner of the permitted open space, resulting in the creation of a small (approximately 200m²) area of landscaping on its northern side; this area would link to the adjacent footpath which runs along the inside of the site's western boundary. The change would also necessitate the creation of a slightly larger area of hardstanding to the front of plots 57-59.

8.6 Given the substantial overall scale of the open space area, the minor changes proposed will not materially diminish its appearance or recreational value.

8.7 It is noted that the Parish Council has made reference to 'eliminating access in City Fields Way'. Whilst these comments are acknowledged it is important to note that the application relates solely to the creation of a new vehicular access; the applicant has confirmed that there is no intention for the City Fields Way access to be closed. The application must, therefore, be considered on its own merits.

8.8 If the closure of the City Fields Way access were subsequently to be proposed then the need or otherwise for consent for such works would be considered at that point. In the meantime, however, it is noted that the Highway Authority has confirmed that the proposal is acceptable in highway terms irrespective of whether it comprises the sole access for the development or is used in conjunction with the City Fields Way access.

(ii) Residential amenity

8.9 The use of the access should not give rise to any undue noise and disturbance with respect to the living conditions of existing or prospective residential occupiers. Likewise, the removal of the three boundary trees will have no material impact in terms of noise attenuation or the outlook from nearby properties.

(iii) Other matters

8.10 The third party has made reference to the siting of the application site notice, claiming it is located in a position that is both inaccessible and unsafe. The notice was in fact positioned within the highway verge close to a recently installed pedestrian crossing point, and given that it appears to have been seen by the third party demonstrates that it has been appropriately located. It is noted that the application has also been the subject of a newspaper advertisement and, further, that a number of nearby premises and dwellings have been individually notified of the proposal in writing. Consequently, the notification and advertisement procedures relevant to the application are considered to have met the relevant statutory requirements.

(iv) Significant Conditions

8.11 A number of conditions are proposed relating to various matters including tree protection during construction work, the erection of directional signage and the provision and maintenance of highway visibility splays and landscaping (including the provision of replacement trees).

Conclusion

8.12 The proposed vehicular access is acceptable in highway safety terms, will have no material impact on the layout of the development it serves and should not detract from the living condition of existing or prospective residents. The proposal complies with the aims and objectives of the relevant local and national planning policies referred to above and, subject to the conditions set out below, it is therefore recommended that permission is granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 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: 010-SL; 01-LOC Rev B; PERSC19739 25B; P839/2 Rev C.

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

3) **No development shall commence** until plans and technical details of the vehicular access and associated hard standing areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried other than in accordance with the approved details.

Reason: In the interests of ensuring the development has a safe access. 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.

4) **The access hereby permitted shall not be brought into use** unless and until visibility splays of (i) 2.4 metres by 52.0 metres to the north and (ii) 2.4 metres by 50.0 metres to the south of the access onto Meadow Way have been provided in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5) **The access hereby permitted shall not be brought into use** unless and until details of signage designed to route commercial traffic associated with the Chichester Business Park via the Meadow Way-City Fields Way junction have been submitted to and approved by the Local Planning Authority. The approved signage shall be erected prior to first use of the access and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

6) **The access 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; details and samples of the hard surfacing materials; a planting plan including details of at least three replacement trees and a schedule of plants noting species, plant sizes and densities; the method of protecting existing trees within and adjacent to the site; the siting of bollards at the terminal points of internal pedestrian paths; 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 programme and once provided, the works shall be retained in perpetuity.

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

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

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

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

3) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not

contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

For further information on this application please contact Steve Harris on 01243 534734.

Agenda Item 6

Parish: Selsey	Ward: Selsey North
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SY/17/00951/FUL

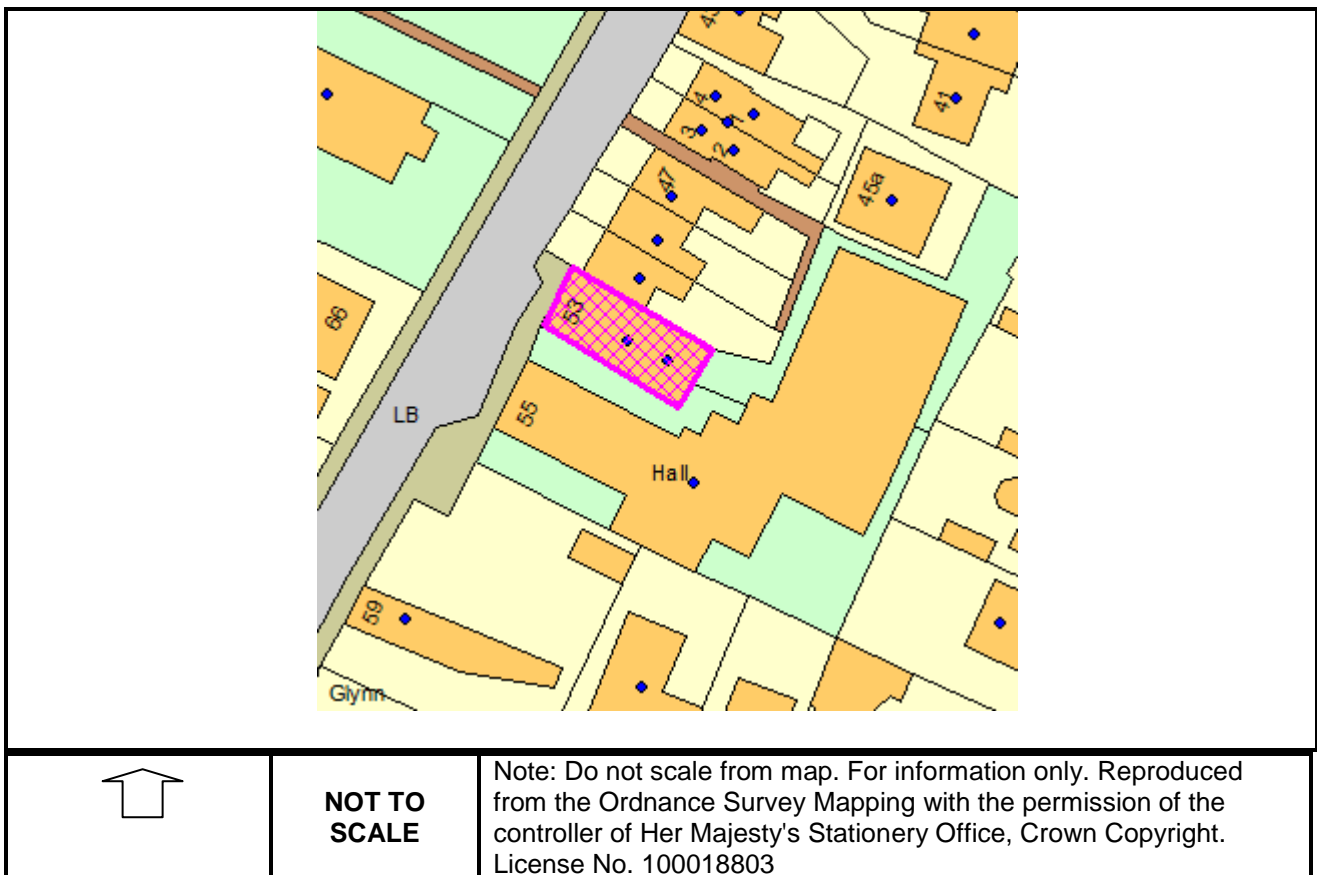
Proposal Change of use of ground floor from class A2 office to class A3/A5 - cafe/hot food take-away including installation of internal routed extract duct.

Site Selsey Regeneration 53A High Street Selsey Chichester West Sussex PO20 0

Map Ref (E) 485491 (N) 93453

Applicant Mr Nader Abbassi

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

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application property is a ground floor commercial unit, situated within a three-storey end-of-terrace building. The unit is currently unoccupied but has previously been used as offices within Use Class A2 of the Town and Country (Use Classes) Order.
- 2.2 The application property is situated within the settlement boundary of Selsey and within the Selsey Conservation Area. The property immediately adjoins a Class B road (High Street) and is otherwise surrounded by development. To the immediate south of the application site is the Town Hall and facing the site from across the road is a Grade II Listed Methodist Church. The attached neighbouring building and all others within the terrace are residential dwellings.
- 2.3 The front elevation of the application property comprises a dark grey painted timber shopfront at ground floor level with a plain white timber fascia board above and two timber bay windows at first floor level. The property is clad in a light coloured painted render and incorporates slate roof tiles to the roof.

3.0 The Proposal

- 3.1 The application proposes a change of use from Class A2 (financial and professional services) to a mixed use comprising part Class A3 (restaurants and cafes) and part A5 (hot food takeaway).
- 3.2 The application also proposes to install an extract duct to the north facing main roof slope, which would extend a maximum height of 1m as measured from the point of exit from the roof.

4.0 History

02/00186/COU	PER	Change of use from retail to office.
02/00771/REG3	PER	Major refurbishment of existing 3 storey front building, demolition and replacement of 2 storey rear addition to provide inclusive access to new offices.
17/00951/FUL	PDE	Change of use of ground floor from class A2 office to class A3/A5 - cafe/hot food take-away including installation of internal routed extract duct.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Concerns were raised that the application did not allow for satisfactory space for storage of food waste and the nuisance to local residents regarding the smell. Cllr S. Newman proposed, seconded by Cllr C Dean, that the committee should OBJECT to the application on the grounds of no satisfactory space for storage of food waste and the nuisance to local residents regarding the smell.

6.2 WSCC Highways

The proposal to change the use of the ground floor office (A2) to (A3/A5) café/hot food take away has been considered by WSCC as the Local Highway Authority. No objection is raised subject to any conditions attached.

The site is located on the B2145 Selsey High Street, a 30mph road with a mixture of residential dwellings, shops, and services. Directly opposite the site is the local Methodist Church and car park and adjacent to this is Selsey Town Hall. Parking is not permitted in the High Street and double yellow lines are located on both sides of the road.

Directly outside the site the highway becomes slightly wider for approximately 18m and provides an informal lay-by layout. This could accommodate deliveries; as loading or unloading on double yellow lines is permitted provided no obstruction is caused. The applicant has stated these would occur twice weekly for approximately 10 minutes at a time.

Pedestrian access can be made via the existing footpaths on either side of the road however; the footway to the south of the site terminates outside the shop and any customers would need to crossover to the eastern footway if they wanted to continue in a southerly direction. Traffic lights with a pedestrian controlled crossing are located just north of the site providing a safe place for pedestrians to cross.

One cycle storage hoop is located outside the shop on the pavement encouraging sustainable travel and bus stops are within walking distance making the site accessible.

6.3 CDC Environmental Health Officer

The information supplied is sufficient and I am satisfied that it should not cause nuisance by way of noise or odour to nearby properties.

I would ask for a condition with regard to a maintenance and cleaning schedule which would basically mirror that proposed in the documents submitted.

6.4 Third Party Representations

Six letters of representation have been received, raising the following concerns;

- a) No parking provided for customers or deliveries;

- b) Highways safety, including traffic flow and proximity to traffic lights;
- c) Noise disturbance, particularly late at night;
- d) Odours from the outlet and the proposed extract duct;
- e) Rubbish and litter accumulation; and
- f) Loss of privacy to neighbouring residential dwellings.

6.5 Applicant/Agent's Supporting Information

The agent has provided the following supporting information;

- a) Manufacturers specification of vent and extraction system;
- b) Maintenance and Management Scheme for ventilation system;
- c) Written statement confirming that "Food waste is to be stored internally and removed from the premises on a daily basis"; and
- d) Details of delivery and access arrangements.

7.0 Planning Policy

The Development Plan

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

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 26: Existing Employment Sites
- Policy 29: Settlement Hubs and Village Centres
- Policy 39: Transport, Accessibility and Parking
- Policy 47: Heritage

National Policy and Guidance

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

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

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

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this

Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), 23, 35, 56, 58, 59, 60, 109, 120, 123, 129, 131, 132, 196, 197 and 203

Other Local Policy and Guidance

- 7.5 The following guidance is material to the determination of this planning application:

- Selsey Conservation Area Character Appraisal

- 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:

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

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are;

- i) Principle of development;
- ii) Highways safety;
- iii) Design and impact upon character of area, heritage assets and neighbouring amenities; and
- vi) Implications of noise and odour.

- i) Principle of development

- 8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of a change of use from A2 (financial and professional services) to A5 (hot food takeaways) would not be contrary to local or national planning policies, subject to further consideration of all other relevant material planning considerations.

- ii) Highway safety

- 8.3 Concerns have been raised by third parties regarding the potential for the proposed change of use to impact negatively upon highway safety. The concerns relate to the lack of parking provision outside the premises and the proximity of the site to traffic lights, which it is suggested could lead to congestion and issues around highway safety in relation to deliveries, collections and customers attempting to park on the double yellow lines outside of the premises.

- 8.4 No highway safety concerns have been raised by the WSCC Highways Authority regarding either vehicular or pedestrian traffic. Within their comments are cited the 30mph

speed limit of the road, existing pedestrian foot path links and safe-crossing points, including the traffic lights to the north of the site, the existing car park situated opposite the premises and the lay-by directing fronting the premises.

8.5 The application site does not benefit from a private car parking area. However, multiple publicly accessible parking areas are situated within the locality and these parking areas maintain good pedestrian links with the application site. A lay-by directly outside of the premises would be suitable for short term use by delivery vehicles. In considering these points and the comments of the WSCC Highways Authority it is assessed that the proposed change of use is unlikely to result in a negative impact upon highway safety.

iii) Design and impact upon character of area, heritage assets and neighbouring amenities

8.6 Policy 33 of the Chichester Local Plan requires that development proposals respect or enhance the character of the site and surrounding area with regards to proportion, form, massing, siting, layout, density, height, size, scale and detailed design. The application site is situated within the Selsey Conservation Area and adjacent to a Grade II Listed church building. Policy 47 of the Chichester Local Plan requires that development proposals to conserve or enhance the special interest and character of heritage assets, including Conservation Areas and Listed Buildings and their settings.

8.7 The only external alteration proposed as part of the current application is the installation of an extract flue, which would project from the north pitch of the existing main roof to achieve a maximum height of 1m (as measured from the point of exit through the roof). The flue would not be readily visible from the High Street owing to the irregular shape of the pitched roof, which would obscure the flue from view. The flue would likely be partially visible from within the curtilage of existing properties to the north and rear of the application site. However, the flue would not substantially or negatively impact upon the appearance of the application property and would not represent harm to the special qualities or character of the Conservation Area, from within which the flue would not be readily visible from publicly accessible areas.

8.8 The proposal would therefore be in compliance with Policies 33 and 47 of the Chichester Local Plan and would be acceptable with regards to design and impact upon the character of the area, heritage assets and the amenities of neighbouring properties. Neither would the proposed flue result in a negative impact upon the outlook, light or privacy of surrounding properties with regard to its physical appearance.

iv) Implications of noise and odour

8.9 Concerns have been raised by third parties and the Parish Council that the proposal may result in a negative impact upon the amenities of neighbouring properties with regard to odour, owing to the extract flue and arrangements for the storage of food waste. Further concerns raised by third parties relate to the potential negative impact upon noise as a result of the proposed change of use, particularly with regard to late opening hours.

8.10 The applicant has provided information regarding the specification and maintenance of the flue as well as the arrangements for the storage and disposal of food waste. The submitted information provides clarification that food waste is to be stored internally within the application property and removed from the premises on a daily basis. With regards to potential cooking odours an extraction system is proposed which, subject to regular

maintenance, should adequately mitigate these odours. In support of this a schedule for the regular maintenance of the extraction system, such as to maintain its effectiveness, has also been submitted. The opening hours of the premises will be controlled by condition.

8.11 The proposal has also been assessed by the Environmental Health Officer, who commented that the information supplied was sufficient and gave their professional opinion that the development would not be expected to cause nuisance by way of noise or odour to nearby properties.

8.12 As such, in consideration of the abovementioned supporting information submitted by the applicant and the comments received from the Environmental Health Officer, it is not anticipated that the proposed change of use or installation of an extract flue will result in a significant negative impact upon the amenities of surrounding development in respect of noise or odour. The proposal would therefore be in accordance with Policy 33 of the Chichester Local Plan.

Conclusion

8.13 Based on the assessment it is considered the proposal complies with the relevant development plan policies and therefore the application is recommended for approval.

Human Rights

8.14 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: 01, 02, 03A, 04A, 05

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

3) The extract duct and ventilation system hereby permitted shall constructed and maintained in accordance with the details contained within the submitted Vent and Extraction Details document.

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

4) **No part of the application property shall be first occupied** until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for:

- i) the loading and unloading of deliveries, in terms of location and frequency
- ii) arrangements for the collection of refuse

Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: to safeguard the operation of the public highway.

5) The extract flue and ventilation system hereby approved shall be at all times maintained in accordance with the submitted Maintenance and Management Scheme.

Reason: In the interest of preserving neighbour and public amenity.

6) The A3 and A5 use hereby permitted shall not be used by customers outside the hours of:

7am and 11pm Mondays to Sundays.

The premises shall be vacated by all customers and public by 11 pm, and any recorded/amplified or other music played on the premises shall cease by this time.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

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

For further information on this application please contact Rachel Ballam on 01243 534734

Agenda Item 7

Parish: Southbourne	Ward: Southbourne
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SB/17/00589/FUL

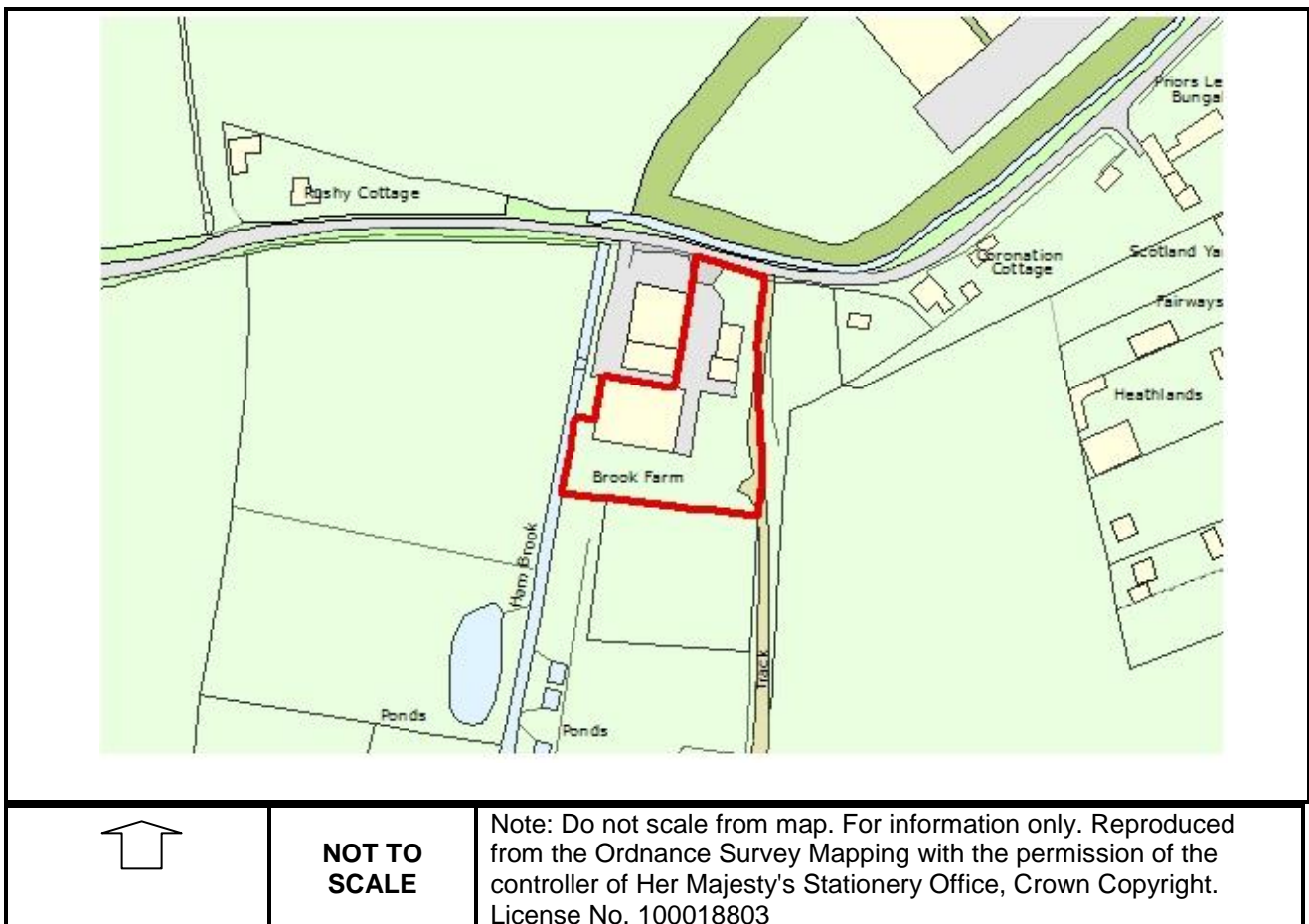
Proposal Proposed partial re-development of the site comprising of the demolition of existing workshop and the construction of live-work workshops and artists' accommodation.

Site South Barn Brook Farm Priors Leaze Lane Hambrook Chidham Chichester West Sussex PO18 8RQ

Map Ref (E) 478148 (N) 106141

Applicant Mr Andrew Sabin And Mrs Laura Ford

RECOMMENDATION TO REFUSE



1.0 Reason for Committee Referral

Red Card: Cllr Brown Important information/opinion to raise in debate.

There is both an exceptional level of public interest and I wish to raise matters in debate. This application had the support of the Parish Council, the local community, and as evidenced by the letters of support from important cultural organisations in the area, this application has a greater significance for the area than might be expected.

Although this is a rural location, there are many other large buildings in the area and the proposal is not merely in keeping with them, but will be sufficiently screened so as not to become an eye sore.

I believe the most recent plans show that this application could go ahead without damaging the rural character of the area and there is clearly a wider economic and cultural interest in this application being granted.

2.0 The Site and Surroundings

- 2.1 The application site is located within the parish of Southbourne, falling outside any settlement boundary as defined within the Southbourne Neighbourhood Plan. It is situated to the southern side of Priors Leaze Lane, to the east of Southbourne Parish boundary. The site comprises a redundant single storey building to the east and a large former agricultural unit to the west and south west of the site. Access is from Priors Leaze Lane, leading into a large area of hardstanding, used for parking.
- 2.2 To the south of the site is a fishery with access leading along the eastern boundary to the application site. To the west are former agricultural buildings, outside the application site and open agricultural land beyond. To the north is Priors Leaze Lane, mature trees forming the boundary to the road and agricultural land beyond. To the east of the site is a Travelling showman's site and a Public Right Of Way PROW which runs to the south east.

3.0 The Proposal

- 3.1 The application seeks permission for the demolition of the existing single storey building to the east of the site and the construction of a large replacement building comprising workshops, studios and gallery space at ground floor level and accommodation at first floor level comprising a four bed unit and a self-contained 2 bed unit for visiting artists. The existing building to the west of the site is proposed to be retained and used as storage, workshop and studio. The existing access would be retained, leading into the site and a new formalised parking area to the south of the existing and proposed buildings.
- 3.2 The live/work unit would be two-storey in nature and follow a modernistic commercial building style with a floor area of just under 465sqm. Internally there would be provision for two artists' studios of approximately 130sqm two workshops, an office space and a staff canteen space with toilets and kitchen facilities. Finally there would be an art gallery for the display of sculptures measuring approx. 1112sqm. At first floor, there would be provision for a four bedroomed residential unit to the southern part of the building and a two bedroomed unit to the northern part, with the intention for the latter unit to be used by visiting artists. The smaller unit would have its own separate access through an external staircase to the northern elevation. The building would be finished with black corrugated cladding with a glazed surface. The roof of the building would be asymmetric, measuring 5.6m-8.5m in height. The opening reveals would be made in galvanised steel to contrast

with the black cladding. To the south of the building there would be a terrace/balcony space linked to the main residential unit and additionally to be used as a showcasing space.

4.0 History

05/04607/COU	PER	Change of use of redundant agricultural barn to B1 use.
09/01051/AGR	PER	Erection of a agricultural barn and hardstanding. Resubmission of SB/08/03858/AGR.

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	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

No objection

6.2 Environment Agency

We have no objections to the proposed development, as submitted.

Flood risk advice to LPA and applicant

The proposed live-work unit is partially located in Flood Zones 2 and 3, according to our Flood Map. These indicate a medium (1 in 1000 year) and high (1 in 100 year) probability of flooding, in accordance with the national Planning Practice Guidance (ref.7-065-20140306). The FRA states that ground floor is intended to be designed to be floodable in order to mitigate the impacts of the increased footprint on flood storage. We strongly recommend that consideration be given to use of flood resilience measures to reduce the impact of flooding when it occurs. This can include measures such as the use of resilient materials and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. We recommend reading the following guidance - 'Improving the flood resilience of new buildings ' and 'Prepare your property for flooding: A guide for householders and small businesses'. Consultation with the relevant building

control department is recommended when determining if flood proofing measures are effective.

Wastewater advice to applicant

The application states that the existing arrangements of disposing of wastewater to cesspit are intended to continue, with a new plant in line with building regulations. The owner must ensure that the cess pit is maintained, emptied regularly by a registered waste carrier, and doesn't leak or overflow.

Additional information

We have no objections to the proposed development, as amended.

The amended information does not include material changes to the development that affect the flood risks at the site within our remit, and therefore we have maintained our position. The responsibility for determining whether the Sequential Test has been met lies with the local planning authority.

Advice to developer - Flood resilience

We strongly recommend that consideration be given to use of flood resilience measures to reduce the impact of flooding when it occurs. This can include measures such as the use of resilient materials and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

6.3 WSSC Highways

Summary

This application seeks to re-develop the site by demolishing the existing workshop and constructing live work workshops and artists accommodation. The site is to be accessed via an existing access from Priors Leaze Lane, Hambrook which is a C class road subject to 60mph. It is observed that due to the narrow nature of this portion of road and the road layout, vehicles may not be travelling at this speed at the point of access. Upon observation of the most up to date Sussex Police collision data, there would appear to have been no recorded highways accidents or personal injury claims in the near vicinity of this access- indicating that currently this access would be functioning with no highways safety concern.

Access and visibility

In principle this proposal is acceptable in highways terms, the applicant is proposing an improvement on the existing access by gaining permission to remove a portion of hedging currently obscuring visibility. The Local Highway Authority (LHA) note that the visibility splays provided have been drawn incorrectly from a 4.8m set back distance the live work proposal would only require an 'X' distance of 2.4m set back from the carriageway edge. It is noted that an existing use of this access does serve larger vehicles however the live work units will not generate Large Goods Vehicle traffic. Revised plans should be submitted to reflect this 2.4m set back distance. Based on the consideration that this access is an existing arrangement and the traffic generated by this proposal would not be a material increase, the LHA advise that maximum achievable visibility splays are provided.

The LHA also advises that the access appears to be in a poor state of repair and therefore may require re-surfacing in line with WSCC Standards. The applicant would be advised to contact the Area Office in order to carry out these works on the highway to WSCC standards.

Parking

Parking provisions have been set out in line with CDC parking zone 3 85% standards. Upon inputting this information through the WSCC Parking Demand Calculator, the LHA can advise that the residential aspect of a development of this size would generate the requirement for 3 parking spaces. Bearing in mind the commercial aspect, there would be the requirement for additional spaces at times however considering the 24 parking spaces provided within this proposal, the LHA consider there to be sufficient space for the proposed.

Sustainability

Sustainable methods of transport are not easily accessible within the vicinity of the site. Priors Leaze Lane is not served via linked pedestrian footways or street lighting which discourages pedestrians from walking within this location. It is accepted however that more confident cyclists may choose to commute to Nutbourne Railway station by bicycle as it is a 5 minute journey from the proposed. Hambrook Stores is the closest shop in this location at an 11 minute walk from the proposal site. It is therefore anticipated that for the majority of shopping and for amenities, future residents will be reliant on the use of a car for transportation. It is not considered however that for two live work units this would be a detriment to the Local Highway

The LHA advises also that secure and covered cycle storage is conditioned alongside any permission of this application, this is in order to promote alternative and sustainable methods of transport.

Conclusion

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

Amended Plans – amended visibility splays

The Local Highway Authority (LHA) has assessed the revised visibility splays provided. These now demonstrate the achievable visibility from a 2.4m set back distance from the edge of the highway. This along with the neighbouring hedging to be cut back on the western splay allows visibility splays of 2.4m x 65m to the west and 2.4m x 90m to the east. Based on the consideration that the road layout in this location seeks to slow vehicles and is anticipated to encourage vehicles to proceed cautiously, the LHA accepts that these splays would be sufficient for this use. The hedge trimming is advised to be sealed via condition to be implemented prior to first occupation of the live work units and be maintained to be kept clear of any obstructions of over 1m above carriageway height.

From the information provided, the LHA raise no highways safety concerns with the amended visibility splays provided.

6.4 CDC Drainage Engineer

Surface Water Drainage

The proposed means of drainage is via infiltration utilising shallow SuDS features such as permeable paving and swales. This approach would be acceptable in principle, particularly as there is the potential for high ground water levels in the locality. Should the application be approved, we recommend conditions to ensure the site is adequately drained and efficiently maintained.

We also suggest that, at the earliest stage, the developer gives consideration to the appropriate location and design of surface water drainage features to achieve necessary attenuation, capacity, water quality (via the SuDS management/treatment train) and ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site. We would like to remind the developer that, open features such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations. Well-designed SuDS components include features that are no more hazardous than those found in the existing urban landscape, for example ponds in parks or footpaths alongside canals, therefore if the SuDS features are designed in an appropriate and safe manner, there should be no need for unsightly fencing and/or areas of restricted access. Additionally, consideration should be given to the nature of SuDS features that are chosen to be incorporated into the design, for example will features be useable open spaces (such as detention basins etc.) in all but the most extreme weather events, or will they be year-round water features such as ponds. The drainage designs should demonstrate that the infiltration/SuDS structures can accommodate the water from a 100 year critical storm event, plus 40% climate change allowance.

Flood Risk

Significant parts of the site lie within Flood Zones 2 and 3, therefore the Environment Agency should be consulted regarding the acceptability of development at this location.

6.5 Third Party Representations

- i) Social and Economic Benefit for the locality
- ii) Support proposed education facilities
- iii) Introduce cultural diversification
- iv) Encourage tourism

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 Southbourne Neighbourhood Plan was made on the 15 December 2015 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principle planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 26: Existing Employment Sites
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 45: Development in the Countryside
Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Southbourne Neighbourhood Plan

Policy 1: Development within the Settlement Boundaries
Policy 3: The Green Ring
Policy 4: Housing Design
Policy 5: Employment
Policy 7: Environmental

National Policy and Guidance

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

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

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

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

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), section 3, 4, 6, 7, 10 generally.

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

Other Local Policy and Guidance

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

Surface Water and Foul Drainage Supplementary Planning Document (SPD)
Planning Obligations and Affordable Housing SPD

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

- 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
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) The principle of the development
- ii) Impact on visual amenity and character of the area
- iii) Flooding
- iv) Impact on neighbouring amenity
- v) Highways
- vi) Recreational Disturbance

Assessment

i) Principle of development

Proposed use

- 8.2 The site is located within the rural area, outside any settlement boundary as defined within policy 1 of the Southbourne Neighbourhood Plan. Policy 2 of the CLP sets the development strategy for the plan area. Policy 45 of the CLP seeks to ensure that new development within the rural area meets an essential rural need that cannot otherwise be met elsewhere. Policy 3 refers to The Economy and Employment Provision and supporting the sustainable growth of the local economy, which would include the provision of “small-scale employment development or live/work units, including extensions to existing sites in rural areas, may be identified in neighbourhood plans or permitted in appropriate circumstances where commercial demand exists”.
- 8.3 From the supporting information provided it is understood that the proposal would facilitate the move of the applicant’s entire production facility to the application site and the intention would be to create a studio, gallery and workshop complex. It is the applicant's intention to provide a space to house the collection of their works, enable education establishments and public access to the site.
- 8.4 The proposal would construct a new building to provide the live/work element and retain the existing larger unit on site for use as a workshop/studio space . The applicant presently occupies the existing building and this has been used for open exhibitions and currently employs two assistants. The new studio would offer employment to 'at least 10' local artists and run an intern programme for graduates. Additionally it would offer work placements and general workshops. The gallery would be open to the public on a part time basis, exhibiting new work.
- 8.5 It is understood the applicants presently occupy a live work unit in London and the existing building on the application site is used as a workshop and to showcase their work. They have outgrown their London address and seek to relocate to the application site.
- 8.6 The applicant has provided limited information as to the justification to reside on this site and minimal information has been submitted detailing other options explored/discounted. Policy 3 of the CLP does recognise that the provision of live/work units in the rural area may be encouraged in appropriate locations, particularly in rural areas. This would however be read two-fold with the other material considerations as set out below and the applicants supporting information.

Sustainability

- 8.7 The site would provide on-site accommodation for the two applicants and this would provide a benefit in that it would reduce the need for those occupiers to travel to other work places. It would not however provide accommodation for other employees and it would actively encourage visitors to the site. Officers have concern about this, due to the site’s unsustainable rural location, which is set away from any public transport routes, on a road with no pedestrian footpaths or street lighting. Whilst it might be desirable for the applicants to reside on-site, inadequate details have been submitted to demonstrate sufficiently to the LPA that there are no other sites which could facilitate such a use and that the proposal is appropriate in this unsustainable rural location.

- 8.8 Furthermore, whilst the proposal would seek to provide employment and cultural opportunities; these would have to be accessed by those not residing on the site and travelling to and from this rural location. There is also concern about the associated showcase element of the work and the intensification of the use, which has the potential to cause adverse impacts on the rural tranquillity of the area. It is considered this would fail to comply with the thrust of the NPPF and policies contained within the Local Plan which seek to ensure that new development is located in sustainable locations.
- 8.9 Policies contained within the CLP and NPPF seeks to support the creation of live/work units and generally encourage the re-use and conversion of existing buildings over the construction of new buildings. Whilst there is general support for the creation of such units, due to the benefits they can bring, there is however concern that the proposed unit and its associated uses, would not be located within a suitable and sustainable location.
- 8.10 Overall, whilst the CLP seeks to support live/work units in the rural area, it cannot be concluded from the information submitted that a proposed building of this scale or use, which includes the provision of showroom space and the subsequent potential for a high trip generation by visitors, would require a countryside location or that it meets an essential rural need. Furthermore, the site is an unsustainable location within the rural area and the application fails to demonstrate sufficiently a need for the proposed development in this location. Whilst the proposal would provide some economic benefit through employment, it is not considered that this would outweigh the harm the development would have on the countryside location. It is therefore considered the proposal fails to accord with local plan policy 3 and 45 of the CLP.
- ii) Impact on visual amenity and character of the area
- 8.11 Policy 48 of the CLP seeks to ensure that development in the rural area has no impacts on the tranquil and rural character of the area and that development respects and enhances the landscape character of the surrounding area and site. The proposal seeks to follow the design of an industrial building, although combines the use of staggered ridge lines and large expanses of glazing, at two-storeys in height. Whilst the building would to a degree be shielded by the agricultural building to the west of the site, it would be highly visible to the Public Right of Way to the south and from the approaches to the east and west from Priors Leaze Lane. It is considered that its design, form, scale and massing would result in an incongruous form of development, to the detriment of the visual amenities of the rural locality. The plans show a degree of proposed planting and whilst additional landscaping could be secure by condition, it is not considered that it would mitigate against the visual harm the building would have on the rural landscape.
- 8.12 There are a few examples of larger buildings on Priors Leaze Lane, however these are clearly associated with an agricultural use and unlike the proposed application building, are generally simple in form and design and as a result more in keeping with the rural locality. Whilst the proposed building attempts to be agricultural in style, it would still be readily visible and noticeable as a large residential unit, in this rural location.
- 8.13 Furthermore the proposals close relationship with the neighbouring agricultural buildings, would when viewed from a number of vantage points appear as a single larger and bulkier development and as a result would cause further harm to the visual amenities of this rural area.

8.14 Overall it is considered that the height of the building at 2 storeys, its scale, form and design to include external staircases and large expanse of glazing and its proximity in the site to the adjoining development, would result in a proposal which would cause significant adverse impacts on the visual amenities and rural character of the area, failing to comply with local and national development plan policies, which seek to protect the visual amenities of the rural area.

iii) Flooding

8.15 The application site is located in Flood Zones 2 and 3, with the residential development falling within those zones. This would require the provision of a Site Specific Flood Risk Assessment (FRA). An FRA was submitted as part of the application and was subsequently amended and the Environment Agency now have no objection, subject to the implementation of the mitigation measures. It is important to note however that the NPPF Planning Practice Guidance makes it clear that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

8.16 Additionally, due to the location of the sites in Flood Zones 2 and 3, officers are of the view that the proposal must meet the Sequential Test and demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is the responsibility of the applicant to provide the details to enable the LPA to undertake the sequential test. In the NPPF paragraph 101 this confirms that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and the Planning Practice Guidance (PPG) states that the aim should be to keep development out of medium and high risk flood areas (zones 2 and 3). The PPG also makes it clear that new development should be steered to flood zone 1 and only if there are no reasonably available sites in flood zone 1 should consideration be given to sites in other flood zones. The LPA has been provided with some information to facilitate the requirement to undertake a sequential test.

8.17 The information provided states that alternative locations have been explored, however it does not clearly set out where these sites were in the District, comprising brief correspondence between the agent and estate agents, carried out during the course of the application. Officers would expect the information provided to the LPA to include a clear assessment of each site, naming these and why they were discounted. This should also include sites which would be capable of accommodating new build development, similar to which this application is seeking. No justification has been provided as to why the site has to be restricted within this area. As such officers consider that the information provided is not sufficient to enable the LPA to carry out a full sequential test.

8.18 The application therefore fails to pass the sequential test and in accordance with National Planning Practice Guidance and the NPPF the application should be refused on the grounds that there are no other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As such the proposal would fail to comply with the provisions of Section 10 of the National Planning Policy Framework 2012, the Planning Practice Guidance and is contrary to Policy 42 of the Chichester Local Plan, Key Policies 2014-2029.

iv) Impact on neighbouring amenity

8.19 Due to the distance, orientation and boundary screening it is not considered the proposal would result in any adverse impacts on neighbour amenity through overlooking, overbearing or amenity concerns in terms of the intensification of the use.

v) Highways

8.20 Access would be retained through the existing access point onto Priors Leaze Lane, with some modifications to increase the safety and visibility to the highway. There would be a large gravel parking area to the south, with sufficient turning and parking space for residents, staff and visitors.

vi) Recreational Disturbance

8.21 Policy 50 of the Local Plan acknowledges the collective impact which all new dwellings within 5.6km of the Harbour have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution is made on a per-dwelling basis towards a mitigation project 'Solent Disturbance Mitigation Project'. For all new dwellings a sum of £181 (API) is collected. The applicants have advised they are willing to enter into such an agreement and pay the contribution.

Conclusion

8.22 Based on the above assessment it is considered the proposal by reason of its failure to meet the sequential test; its scale, mass form and design; the adverse impacts on the visual amenities of the rural locality; it being an unjustified development within the unsustainable rural location, constituting a new dwelling in the countryside with no justified need, would result in a form of development which would be contrary to development plan policies and therefore the application is recommended for refusal.

Human Rights

8.23 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 live/work building and its associated use, would result in a form of development which fails to demonstrate that it requires a countryside location and meets the essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements, as set out in Policy 45 of the Chichester Local Plan 2014-2029. Furthermore the proposed building and use would be located within a highly unsustainable location, some distance from Local public Transport networks, safe pedestrian access through designated lit footpaths and any services and amenities. As such the proposal would fail to accord with Chichester Local Plan Policies 1, 2, 3, 45 and 39 and Policies 1 and 5 of the Southbourne Neighbourhood Plan and paragraph 17 and sections 3, 4 generally of the National Planning Policy Framework.
- 2) The site and proposed residential use is located within the Environment Agency's designated Flood Zones 2 and 3 for which a detailed sequential test for flooding is required. Within such areas development should not be permitted if there are reasonably available alternative sites appropriate for the proposed development in areas with a lower probability of flooding. Information for the Council to undertake a sequential test has been provided by the applicant, however this significantly lacks in information clearly identifying other sites in the District, why these were discounted and why other sites which could be capable of a new build have not been considered. The submitted information is insufficient and inadequate information to enable the Local Planning Authority to fully carry out the sequential test. Therefore, the application fails to comply with the provisions of Section 10 of the National Planning Policy Framework 2012, the Planning Practice Guidance and is contrary to Policy 42 of the Chichester Local Plan: Key Policies 2014-2029.
- 3) The proposed live/work unit, by reason of its scale, design, height, mass, form and fenestration detailing, alongside its proximity to the neighbouring building, would result in a large, bulky form of development, appearing incongruous and cramped in the plot and street, and resulting in adverse impacts on the visual amenities and rural character of the area. As such it would fail to comply with policies 1, 33, 40 and 48 of the Chichester Local Plan: Key Policies 2014-2029 and policies 4, 5 and 7 of the Southbourne Neighbourhood Plan and Paragraph 17 and Section 6 generally of the National Planning Policy Framework.
- 4) The site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and therefore the proposal is contrary to Policy 50 of the Chichester Local Plan: Key Policies 2014-2029. The development would therefore also contravene the Conservation of Habitats and Species Regulations 2010 and the advice in the National Planning Policy Framework.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

2) This decision relates to plans;

386 PL01.00 386 PL03.00, LLD1066/01.02, 386 PL04 REV 01, 386 PL04.1 REV 01, 386 PL05 REV 01 , 386 PL05.1 REV 01, 386 PL07 REV 01

For further information on this application please contact Caitlin Boddy on 01243 534734.

Agenda Item 8

Parish: Southbourne	Ward: Southbourne
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SB/16/03751/FUL

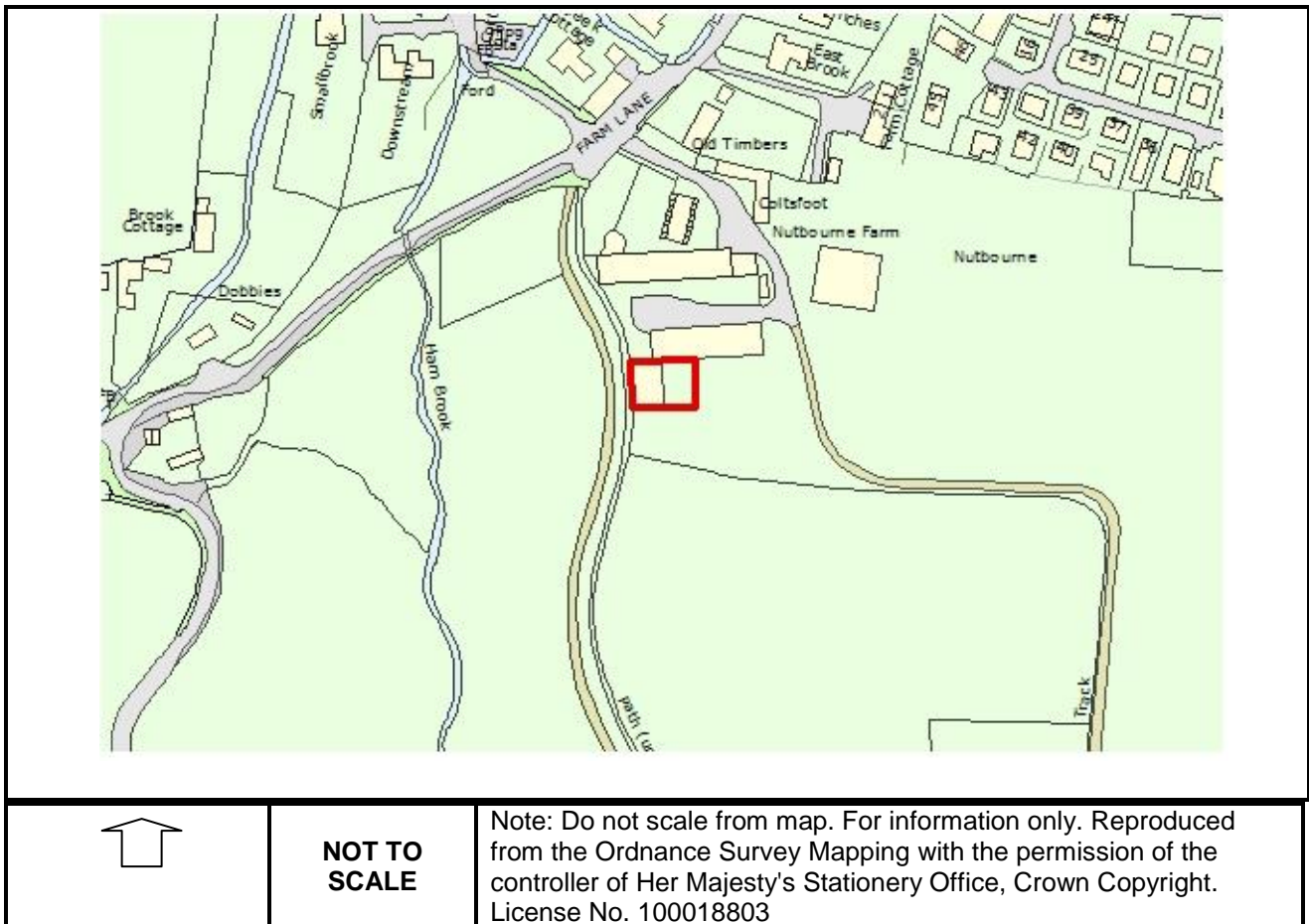
Proposal Change of use of existing storage building to a 2 bed holiday let.

Site Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA

Map Ref (E) 477751 (N) 105322

Applicant Mrs A Walter

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site falls outside of the Settlement Boundary (SB) and therefore comprises a countryside location. The application site falls within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and local designated walking routes are present to the south, within walking distance. Adjacent to the western elevation of the building is a public footpath which provides pedestrian access to the waterfront of the AONB.
- 2.2 The application site comprises 1 no. existing storage building within an existing agricultural farmstead. The building comprises a single storey building with mono pitched roof. The elevations of the building are clad with metal sheeting. A timber post and rail fence identifies the formal curtilage of the building. The building is accessed via an internal private road within the Nutbourne Farms boundary. The private access road within Nutbourne Farm serves both the existing farmstead buildings and a number of existing agricultural buildings that have since been converted to residential use.
- 2.3 The application site falls within Flood Zones 2 and 3 and the Chichester Harbour AONB. There are no further local or statutory designations that implicate upon the determination of the application.

3.0 The Proposal

- 3.3 The application proposes the change of use of the existing agricultural storage building to a 2 bed holiday let at Nutbourne Farm Barns, Farm Lane, Nutbourne. The application building comprises a mono pitched roof with taller eaves on the eastern elevation. The plans detail the insertion of new glazing and cladding of the existing walls. Forward of the eastern elevation would be an un-metalled road and associated turning area, cycle store and garden area. The plans detail the insertion of new roof lights and solar panels in the mono pitched roof.

4.0 History

93/01466/LBC	REF	Conversion of disused agricultural barns to 1 dwelling, B1 industrial use and offices.
93/01474/FUL	REF	Conversion of disused barns to 1 dwelling, B.1 industrial use and offices.
96/00839/FUL	WDN	Re-use of redundant farm buildings as a managed livery stable for 18 horses, a dwelling, office, stores, tack room together with parking, an exercise yard and grazing.

96/00880/LBC	PER	Change of use to livery stables. Insertion of loose boxes within existing floor space. Demolition of modern additions to Barn B and alterations to form office/store/tackroom. Alterations to Barn C to form dwelling.
97/01273/COU	PER	Partial use of barn by P Carrell & K May for the repair/servicing of farm machinery not used on Nutbourne Farm.
03/02949/FUL	REF	Use of farm buildings as managed livery stables for 18 no. horses, ancillary stores and facilities, together with parking and an exercise yard.
03/02950/LBC	PER	Retrospective application for insertion of rooflights, replacement cladding and windows. Non-structural partition walls and alterations to Barn B.
04/02319/FUL	PER	Use of farm buildings as managed livery stables for 16 no. horses, ancillary stores and facilities, together with parking and an exercise yard.
09/04602/FUL	PER	Re-use of redundant stable block to provide a single dwelling.
10/01436/NMA	PER	Non-material amendment to planning permission 09/04602/FUL. Amendments to internal layout, provide new windows and rooflights.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Southbourne Parish Council

Objection

There is insufficient information provided on what effectively is a demolition and new build rather than a change of use.

Officer note: Subsequent information has been provided on 14 June 2017 detailing the building's capability of conversion.

6.2 Chichester Harbour Conservancy

Recommendation - No objection, subject to implementation with the specified building materials, that no obstruction of the adjoining public footpath occurs during the adaptation of the building and that a condition would be applied preventing use as a separate dwelling within Class C3.

I made a site visit 1.12.16 and viewed the site from the public footpath adjoining the site and wider views at distance further down Farm Lane.

Pre-application discussions were had with the applicant's agent 16.2.15, where I suggested a business plan be developed to demonstrate the use would be viable and that this also demonstrates this agricultural building is not vital to the operation of the farm. I also wanted to know where the 'curtilage' of the holiday let would be: that has been demonstrated with the red line location plan and appears modest enough to provide some adjacent amenity space and car parking.

The only material changes in circumstance since the Conservancy expressed its support in principle have been the adoption of a Neighbourhood Plan and greater sensitivity to the

'dark skies' agenda has evolved through the Conservancy's Planning Principle 09: this is a rather secluded part of the AONB and there may be some longer, distant views from the Harbour.

The existing building appeared structurally sound and its western edge is the boundary wall that abuts the public footpath.

An adaptation of the building proposed with enclosure of its eastern edge, with similar building materials to the rest of the structure.

The building already is in the AONB landscape and seen in the context of other farm buildings.

Policies 43-44 and 46 are considered most relevant, but other Policy matters and guidance are listed below.

It is noted that the NFU fully support the proposals and that paragraph 28 of the NPPF supports farm diversification. The holiday let would be well placed in terms of connection with public footpaths to explore and enjoy the AONB and would no doubt appeal to those seeking a tranquil break/walking holiday.

The proposal still has the support of Conservancy Officers, but with one small caveat. Because of the concern about light pollution in secluded areas at night, some mitigation of the skylights proposed to the main habitable space could be considered. Their replacement with windows in the south elevation should be considered by the applicant. If privacy for occupants is a consideration, these could be high level windows.

6.3 CDC Economic Development Service

The Economic Development Service recognises the importance of the agricultural sector to the economy and support re-use of redundant agricultural buildings. As the majority of the business is run from their Hayling Island base, this building would appear to be surplus to requirements at this site. The provision of tourist accommodation will keep this site in economical use.

The South East attracts the highest tourism spend for any region outside London. In Chichester District, tourism and leisure generates significant direct expenditure and is the largest private sector employer. According to Visit England data, tourism produces the following in Chichester District:

- 5.2 million day trips each year generating a spend of £144 million
- 405,000 'staying' trips each year, equating to 1.3 million 'bed nights', and generating a spend of £75 million
- C. 7,500 jobs in tourism and leisure, plus numerous 'support' jobs

For these reasons, The Economic Development Service supports this application.

6.4 Natural England

No objection.

6.5 Third Party Objection

Four letters of objection have been received, raising the following issues;

- a) unsuitable access (single track) for construction and use of the development;
- b) construction vehicles likely to damage track;
- c) insufficient parking in the locality to accommodate the development;
- d) not enough capacity in the foul drainage network;
- e) waste from nearby stables would result in an unsatisfactory living environment & pose a risk to children's health;
- f) concern that the applicant has close professional ties to officers of CDC;
- g) not part of a farm diversification scheme;
- h) project viability calculations are incomplete – raises questions over use of building if holiday let fails – could be used as long term lets by the applicant's family;
- i) could lead to further expansion of holiday lets on the site in the future;
- j) unsure proper notification has been undertaken;
- k) sensitive designations and public rights of way are in close proximity to the site; and
- l) existing vegetation has been removed.

6.6 One letter of support has been received, making the following comments;

- a) welcoming visitors to an otherwise derelict corner of the farm, will encourage management decisions favourable to the landscape and wildlife objectives of the Harbour;
- b) will be an enhancement enhanced the site's amenity and wildlife value;
- c) the application site cannot be seen from the harbour and as such the change of use will have no direct bearing on the landscape and visual status of the AONB;
- d) application offers an opportunity to improve the visual appearance of an otherwise untidy corrugated metal shed; and
- e) this proposal should similarly be seen as providing an asset to the wider community through enabling local enhancements to the area that we all enjoy.

6.7 Applicant/Agent's Supporting Information

Following comments received by Southbourne Parish Council the Local Planning Authority requested a structural survey from the applicant detailing the building's capability of conversion. This structural survey was undertaken and submitted to the Local Planning Authority for consideration. This survey confirms that the building is capable of conversion.

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 Southbourne Parish Neighbourhood Plan was made on the 01 December 2015 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 30: Built Tourist and Leisure Development

Policy 42: Flood Risk

Policy 45: Development in the Countryside

7.3 Southbourne Parish Neighbourhood Plan:

- Policy 7 Environment

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).

Other Local Policy and Guidance

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

Adopted Joint Chichester Harbour Area of Outstanding Natural Beauty (Supplementary Planning Document)

Planning Obligations and Affordable Housing SPD

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

- 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/visual amenity
- iii) Impact upon Chichester Harbour AONB
- iv) Impact upon neighbouring amenity
- v) Flood risk

i) Principle of Development

8.2 Policy 45 of the Chichester Local Plan supports development in the countryside, in principle, where it requires a countryside location and meets the essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements.

8.3 The application proposes the conversion of an existing building in the countryside to a self-catering holiday let. The re-use of an existing building situated in countryside location would typically provide favourable access to local tourist attractions, such as the Chichester Harbour AONB. On this basis, the development of an existing building in the countryside would therefore be necessary to facilitate such a use. Concern was raised by the Parish Council regarding the building's capability for conversion. The applicant commissioned a structural survey that confirmed that the building would be capable of conversion. On this basis, the proposal would re-use an existing building that is capable of conversion.

8.4 Taking the above into account, the development would accord with Policy 45 and would therefore comprise appropriate development in the countryside. Therefore, the principle of development is accepted.

ii) Design/Visual Amenity

8.5 The application is for the conversion of an existing building. Whilst some operational development is proposed, these alterations to the external elevations are considered reasonable and necessary to facilitate the change of use. Such changes include the insertion of velux style roof light; the cladding of the building, whilst not necessary would represent a positive and beneficial change to the appearance of the building. The the silhouette and siting of the building as existing would be retained, which would preserve the overall agricultural vernacular of the building. The external and finish should be the subject of a condition requiring their submission and approval to ensure the quality of the development is maintained.

8.6 Taking into account the above, the development would achieve a high quality design and would therefore accord with the contents of Policies 30 and 45 of the Chichester Local Plan and Section 7 of the NPPF.

iii) Impact upon Chichester Harbour AONB

- 8.7 The applicant entered into extensive pre-application discussions with the Chichester Harbour Conservancy prior to the formal submission of this application. The consultation response received from the CHC confirms that the development would not likely have any detrimental impact upon the natural or locally distinctive features of the AONB.
- 8.8 The proposed design of the building would result in an adaptation of the existing building which is enclosed on its eastern edge. The building would be finished in similar building materials to the rest of the structure. The building is already in the AONB landscape and is currently seen in the context of other farm buildings and this would remain the same in the conversion of this building.
- 8.9 The CHC comments make reference to the current dark skies policies; however, the roof lights would be small and would not allow for significant light spill from the building. Equally, any light spill would be seen in the overall envelope of the existing adjacent residential properties where light spill already occurs. The proposed extent of roof lights, combined with the rooms that they serve, would not be considered so significant that it would have a detrimentally harmful permanent impact upon the dark skies of the AONB.
- 8.10 The applicant has indicated some indicative landscaping surrounding the site. The detailed landscaping would provide an opportunity to soften the appearance of the building into its wider AONB setting. As such, a condition securing the landscaping of the site would enhance the natural and locally distinctive features of the AONB.
- 8.11 Taking account of the above, the development would therefore accord with the contents of Policies 30 and 43 of the Chichester Local Plan and according SPG guidance.

iv) Impact upon Neighbouring Amenity

- 8.12 Concern was raised throughout the public consultation period regarding the impacts of construction traffic on the amenities of adjacent neighbouring occupiers. The application building is served by a private internal road which is shared for the purposes of access with the neighbouring residential properties. A condition requiring a Construction Method Statement to be submitted and approved would therefore be necessary to regulate the location, timings, parking and loading etc of vehicles throughout the construction process.
- 8.13 The use of the building as a holiday let would not result in any further noise or disturbance that would be expected adjacent to other residential properties. The boundary treatment along the eastern boundary comprises an existing agricultural barn which would aid in mitigating any visual or auditory impacts from the nearby residential properties. Therefore, it is considered that the development would not detrimentally impact upon the amenities of neighbouring residents.
- 8.14 Having regard to the above assessment, it is considered that the development would not result in demonstrable harm on the amenities of neighbouring occupiers. The development would therefore accord with the contents of Policies 30 and 45 of the Chichester Local Plan.

v) Flood Risk

- 8.15 The application site falls within a designated area of risk at flooding and a Flood Risk Assessment (FRA) was submitted. This FRA detailed appropriate mitigation measures to safeguard the occupants from risk of flooding. The application of the sequential test is not required for the conversion of existing buildings.
- 8.16 A condition would be necessary, requiring the development to be undertaken in accordance with the proposed measures which would safeguard the occupants of the building from risk of flooding. Such a condition would ensure that the impacts associated with the flood risk location would be sufficiently mitigated.
- 8.17 Taking into account the above condition and contents of the submitted FRA, it is considered that the development would not result in any demonstrable impacts in terms of flood risk. Therefore, the development would accord with the contents of Policy 42 of the Chichester Local Plan.

Conclusion

- 8.18 Based on the above it is considered the proposal complies with the development plan policies, and in particular would not have an adverse impact on the visual amenities of the area or wider AONB, 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 3 years from the date of this permission.

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

- 2) The development hereby permitted shall be carried out in accordance with the approved plans; Drawing No. 1 - Block and Location Plans, Drawing No. 4 - Proposed Plan and Roof Plan and Drawing No. 5 - Proposed Elevations and Section.

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

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

in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

5) No part of the development hereby permitted shall be first occupied until the proposed measures detailed within the applicant's submitted Flood Risk Assessment dated 29 March 2017 have been provided. Once provided, these measures shall be retained at all times thereafter.

Reason: To safeguard the occupants of the building from risk of flooding.

6) 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.

7) 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 proposed accommodation shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

INFORMATIVES

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

For further information on this application please contact James Cross on 01243 534734.

Agenda Item 9

Parish: Funtington	Ward: Funtington
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FU/17/00535/FUL

Proposal 6 no. stables, feed room and 2 no. holiday let units and associated parking and paddock.


Site Rookmore Riding And Carriage Driving School Scant Road East Hambrook Funtington PO18 8UB

Map Ref (E) 479654 (N) 106996

Applicant Mrs J Hinds

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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The site is located within the parish of Funtington to the west of the small settlement of West Ashling. It is an area of land laid to grass, with sporadic mature trees and small outbuildings to the north and east of the site. Access is taken from Scant Road East, to the west of the site - a no through road. Fencing, mature trees and native planting form the predominant boundary treatment to the site.
- 2.2 To the west is the associated Rookwood Riding and Carriage Driving School, divorced from the application site by Scant Road East. To the south of the application site lies pastoral land and established gypsy and traveller pitches to the east and south east. To the north there is a small paddock land on which a number of agricultural items are stored.

3.0 The Proposal

- 3.1 The application seeks the construction of a single storey stable block and two tourism units, for use in connection with equestrian tourism linked to the main riding school. It would comprise of an L shape stable block to the north of the site. The stables would measure 26m in length, incorporating 6 stables and a feed store. It would be predominantly horizontally timber clad with parts of the west and south elevation finished in brick and flint. Slate roof tiles would provide the finished roof covering to the building.
- 3.2 Also proposed are two semi-detached residential tourism lets to the south east of the stables. The design of these seeks to reflect a Sussex Barn, with a barn hipped tiled roof and timber clad elevations, set on a brick plinth. At ground floor there would be an open plan living/kitchen/dining room and shower room, with a bedroom above on a mezzanine level. These would be self-contained, but linked to the use of the equestrian facilities at the main equestrian unit. There would be provision for off road parking to the front of the buildings.

4.0 History

4.1 No history for application site.

4.2 Planning History for Rookmoore Riding School; on adjacent land

02/00381/FUL	PER	Replacement stable yard, revised scheme.
93/01752/FUL	REF	Barn for the storage of hay, straw, horsebox, jumps and associated items.
94/00707/OUT	REF	Barn for storage and riding lessons.
97/00495/FUL	PER	Replacement stable yard.
86/00040/CH	PER	Extension of approved livery stable and farriers use to include riding school use.

85/00060/CH	PER	Use of existing building as livery stables and construction of new building for use as farriers workshop.
09/05057/FUL	PER	Minor Material Amendment - Various design amendments to replacement stable yard approved under FU/02/00381/FUL.
10/02565/FUL	PER	Change of use and alteration of 6 no. horse boxes to 2 no. equestrian holiday/residential tuition lets.
10/04866/NMA	PER	Change internal layout and change size of one window. (Non-Material Amendment to FU/10/02565/FUL).
12/03131/FUL	PER	Extension to sand school.
15/03697/ELD	PER	Single attached dwellinghouse over two floors.
17/00535/FUL	PDE	6 no. stables, feed room and 2 no. holiday let units and associated parking and paddock.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
South Downs National Pa	NO
EA Flood Zone	NO
Historic Parks and Garder	NO

6.0 Representations and Consultations

6.1 Parish Council

Funtington Parish Council has to object to this application because of its proximity to the sites of other applications of a somewhat similar nature to which it has objected. The establishment to which the site is proposed to form part is well run and even though the application site is on the opposite side of Scant Road East it is immediately adjacent and its development as proposed would be a great enhancement of the area. The Parish

Council would not, therefore, wish to be obdurate in its objection provided the development is strictly supervised and is not permitted to "morph" into a less appropriate use.

Additional Information

Following additional information provided by the agent, the Parish Council were re-consulted on 26 June 2017, however no further comments have been received.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Funtington 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 3: The Economy and Employment Provision

Policy 30: Built Tourist and Leisure Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Policy 55: Equestrian Development

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.

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), section 3, 7 and 11.

Other Local Policy and Guidance

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

- A1 - A strong local economy where businesses can thrive and grow
- A2 - Employees with good skills relevant to local employers, prepared for national and international competition and with well-paid and secure jobs
- B1 - Managing a changing environment
- B2 - Greener living
- C2 - Encourage healthy and active lifestyles for all
- C3 - A culturally enriched and empowered community

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

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Increase the number of volunteers and trustees in the community/voluntary sector
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 **Planning Comments**

Assessment

ii) Principle

8.2 The site is located within the rural area away from any defined settlement boundary. Policy 45 seeks to ensure that new development within the rural area is that which meets an essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements. The proposal seeks to provide an equestrian tourism use to an existing established equestrian site. The proposed use would allow the expansion of

the existing business and for that reason it is a use that requires a countryside location as set out under policy 45 of the Chichester Local Plan 2014-2029.

iii) Assessed need for a tourism let

8.3 In addition to policy 45 above, policy 30 of the CDLP seeks to ensure that new tourism developments are directed towards settlement hubs and service villages, ensuring visitors are close to transport networks and facilities. The policy sets out that in the countryside, planning permission for new tourism buildings would have to meet set criteria;

1. Be of a scale appropriate to the location and demonstrate they require a rural location and cannot be accommodated elsewhere, or the proposal is associated with the expansion of an existing facility; and
2. Support the objectives of rural regeneration/diversification.

8.4 The proposal is aimed at a niche tourism market in partnership with an existing equestrian use which is located in the rural area, it is therefore considered to require a countryside location and support the objectives of rural diversification. The proposed tourism units would provide self-contained units of accommodation and associated stabling for those visiting with horses, in relation to the existing equestrian use. The agent has set out that the units are targeted towards occupiers staying with their horses for tuition at the equestrian unit, hacking the South Downs or as a base to stay when competing in events in the area Residents would have complete access to the sand school and are able to receive tuition and advice during their stay. There is a network of bridleways in the locality, which are frequently utilised by the equestrian unit.

8.5 The application site is adjacent to the established main equestrian use (on the other side of Scant Road East) and the operation and its customers would rely upon the facilities at the main site. The agents supporting information is that a similar operation is currently taking place at the existing main equestrian site (albeit there is no record of planning permission for that use). The agent advises this has an occupancy rate of 85%, which fluctuates when there are events in the area. Whilst the use would be reliant on the motor car to visit the site, many journeys would be done directly from the site on horseback once arrived. It is likely that occupiers would be reliant on the car for journeys further afield, however due to the niche market and that the proposal is for a diversification of an existing equestrian use, the low levels of traffic to and from the site by car would be acceptable for a use associated with the existing business. It is proposed that conditions are attached ensuring the building would be for a tourism use that remains in connection with Rookmore Riding School.

8.6 Overall it is considered that due to the requirement for a countryside location for the proposed use and that it would allow for the diversification of the existing business, the proposal would meet the requirements of policy 30 and 45 of the CDLP, subject to conditions restricting the use to be tied to Rookmore Riding School.

iv) Impact on visual amenity and character of the area

8.7 The proposal would seek to contain the development to the north east of the site and utilise an existing access. The agent advises that the land around the existing yard is in full use for pasture, sand school, parking and other associated equestrian uses. As such there would be insufficient or suitable space to provide for the proposed use on the main

site. The proposed site is currently an underused parcel of land in the same ownership and whilst separated by a road, it would still be able to retain links with the main equestrian unit. Furthermore, there are a number of structures on the land in poor condition and the proposal would allow the tidying up of the land and thereby improving the visual appearance of the area.

- 8.8 Stabling is proposed to the north-east corner of the application site, set in an L shape. The building that would house the two tourism lets is proposed to the eastern side of the site. Throughout the course of the application the design and form of the tourism units have been revised to better reflect the rural proportions and design of a former agricultural building on the site. Amendments were sought to the design which would now allow the proposed buildings to sit more subserviently in the landscape and respond positively to the visual amenities and character of the rural area.
- 8.9 The proposed buildings would be constructed with a combination of brick/flint detailing and timber clad elevations. The stables would have a low-pitched slate roof and the tourism units a tiled roof. The materials would be reflective of the countryside location.
- 8.10 Overall, the design and form of the buildings would be reflective of the rural location. Their siting in the land to the northern corner would ensure that they are well contained in the site and grouped together, so as to avoid appearing isolated in the plot. Furthermore, the boundary treatments to the roadside and the proposed equestrian use taking place would be a use compatible with the countryside location. The proposal would therefore comply with policy 30, 48 and 55 of the CDLP.

v) Impact on neighbouring amenities

- 8.11 To the east and south of the application site there are a number of established gypsy and traveller pitches. These are generally well screened from the wider area and the application site. The proposed tourism units would be set approx.7m from the eastern boundary and would contain first floor accommodation. This accommodation would however be served by a high level rooflight, which would mitigate any overlooking that may exist and could be made subject to a condition to remain as such. The separation distance to the eastern boundary would be 7m, this combined with the boundary treatments would mitigate the potential for any overbearing impact.
- 8.12 No details have been provided about waste storage on the site and it would be important to secure details via a condition to ensure that that it is not located within close proximity of the neighbouring residential properties.

vi) Highways

- 8.13 The site would utilise the existing access, which has good visibility splays and a gate set back from the highway allowing clearance of the road, which it is proposed to retain. There would be provision of a hardstanding area to facilitate the parking of vehicles and horseboxes. It is proposed that conditions be applied to any permission to ensure that this be provided prior to first occupation of the development.

vii) Other Matters

8.14 The site is located on the periphery of a source protection zone. Whilst there is no statutory obligation to consult the EA, it would still be important to control the storage and disposal of waste in an appropriate manner so it would prevent ground water contamination. Furthermore, details of any hardstanding, to ensure it is permeable would also be required.

8.15 Due to the rural location of the site, it would be appropriate to require the details and approval of any proposed external lighting in the interests of protection of wildlife. A landscaping scheme would also be appropriate, to ensure any supplementary planting to boundaries and soften the development.

Community Infrastructure Levy

8.16 This development is liable to pay the Council's CIL charge for the creation of new floorspace.

Conclusion

8.17 Based on the above assessment it is considered the proposal by reason of allowing the diversification of the existing equestrian business and the requirement for a countryside location, alongside the design, form and location of the proposed buildings, would comply with development plan policies 30, 45, 48, 55 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 not be carried out other than in accordance with the approved plans:

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

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

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

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

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

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

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

6) Prior to the insertion of any external lighting, full details including manufacturer specifications and location, shall first be submitted to and approved in writing by the local Planning Authority.

Reason: In the interests of visual amenity of this countryside location and the protection of wildlife.

7) Prior to the laying of any hardsurface full details, including colour of the hard surface shall first be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance to the approved details.

Reason: In the interests of visual amenity of this countryside location.

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

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

9) Notwithstanding the details on the plans and application form, Prior to first occupation of the tourism lets hereby permitted details of any proposed boundary treatments to the site, including between the tourism lets and to the paddock land 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 neighbouring and visual amenity

10) 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) prior to the first occupation of the development hereby approved the rooflight windows hereby permitted in the **eastern** roof plane shall be constructed, in accordance with the submitted plans, with a cill height of not less than 1.7 metres above internal floor height, and shall subsequently be retained in that condition.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

11) Notwithstanding the details provided in the application, the use hereby permitted shall not be brought into use until the method of disposal of waste arising from the keeping of horses has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the use commences and shall thereafter be maintained and operated in the approved manner in perpetuity.

Reason: In the interests of amenity and of preventing pollution, in this sensitive location, which is in close proximity to a Source Protection Zone and a Nitrate Vulnerable Zone.

12) 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 proposed accommodation shall be used for holiday accommodation in connection with the equestrian operations at Rookmore Riding and Carriage Driving School only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties and tourism lets would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

13) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on the land edged in red on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the protection of the open countryside location

14) 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 stable development hereby permitted shall be used only in connection with the Rookmore Riding and Carriage Driving School and shall at no time be separated.

Reason: To prevent the stables from being used independently from the main equestrian site, in the interests of protection of the rural location.

15) Any discharge of washings from the use hereby approved, must first drain into a soakaway or treatment system so that any discharge to ground is at least 10 metres from any watercourse.

Reason: To control pollution of water in this sensitive location within proximity to the Source Protection Zone and a Nitrate Vulnerable Zone.

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 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 on 01243 534734

Agenda Item 10

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

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


Site Avalon 22 Halfrey Road Fishbourne West Sussex PO18 8BU

Map Ref (E) 483474 (N) 105447

Applicant Mr J Parham

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

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

3.0 The Proposal

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

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

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

- 3.2 The application plot would have a depth of 17.9m, set back from the boundary to the east by 5m and away from the newly proposed southern boundary by 1.1m. The rear garden would have an angled southern boundary between the new dwelling and the host dwelling.
- 3.3 The proposed new dwelling would be single storey, brick facing, with concrete interlocking tiles. It would have an eaves height of 2.2m, with a pitched roof and ridge height of 5.4m. It would have a depth of 7.6m at the deepest part and a width of 9.1m. The entrance to the property would be east facing, leading into a hallway, with separate W.C and a double bedroom and ensuite leading off, and an open plan kitchen, living and dining room, with access into the rear garden.

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

4.0 History

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

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Initial comments 17.12.2016

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

Comments on substitute plans

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

6.2 WSCC Highways

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

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

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

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

In summary:

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

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

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

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

6.3 Third Party Representations

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

Other comment

- i) Covenant on the property restricting development

6.4 Third Party Representations on substitute Plans

- i) Fence and hedge not in accurate locations on plan
- ii) Overdevelopment
- iii) Loss of tree
- iv) Impact on parking

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Fishbourne Neighbourhood Plan was made on the 31st March 2016 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk
Policy 47: Heritage and Design
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Fishbourne Neighbourhood Plan:

Policy SD 3: Development Constraints
Policy D 1: Good Design
Policy ENV2: Tree protection
Policy ENV4: Biodiversity

National Policy and Guidance

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

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

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

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), together with sections 6 and 7 generally.

Other Local Policy and Guidance

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

Surface Water and Foul Drainage SPD

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

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

Assessment

- i) The principle of the development

8.2 The application site is located within the defined settlement boundary of Fishbourne, as set out in the Chichester Local Plan (CLP), and within the made Fishbourne Parish Neighbourhood Plan. Within the defined settlement boundary, the principle of new dwellings is considered acceptable, subject to compliance with other material considerations. Fishbourne is considered a sustainable location and is within close proximity to the city of Chichester. Fishbourne has some facilities and services, with

direct transport links to Chichester, including designated pedestrian and cycle routes. It is therefore considered that the site lies in a sustainable location, within a defined settlement for which the principle of additional dwellings is considered acceptable.

ii) Impact on neighbouring amenity

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

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

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

iii) Character, appearance and amenity

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

8.7 The plot frontage width of the property would be 10.65m and is considered comparable to those in the street scene and not dissimilar to that of the direct neighbour opposite at no. 9 Halfrey Close which has a frontage width of 11.4m. The proposal has been designed to effectively mimic number 9 and the transition into the 2 storey properties found in Halfrey Close. Halfrey Close is open plan in nature, however following concerns about the loss of the hedge and soft landscaping as part of the previous application, this proposal seeks to plant a hedge with further low level boundary treatment to follow the existing front boundary line. The proposal would sit comfortably in the plot, with amenity space to the rear (5.4m (d) x 8.5m-10.6m (w)) and a separation of 1m to the southern boundary and 400mm, to the northern

boundary. Whilst the proposal would reduce the garden land available to the host dwelling this would remain of an acceptable size and include adequate amenity space to the east side measuring (12m (width) x 9.4m depth x 5m depth). The staggered, angled boundary now proposed between the host and proposed dwellings also improves the relationship between the two properties over the previous refusal and allows for provision of some rear amenity space for the host property. The low level height and design of the proposal would allow the proposed bungalow to be read subserviently to the main dwelling. Overall it is considered that the proposal would integrate well into the street scene and subsequently not cause harm to the character of the street scene and area.

iv) Highway Safety

- 8.8 The refused application FB/16/00734/FUL sought to provide parking and a new access for the host dwelling directly from Halfrey Road. This work has now been carried out through the applicant exercising their permitted development rights.
- 8.9 The access onto Halfrey Close is outside the applicant's ownership and the applicant has subsequently completed and signed Certificate D which has been submitted with the application. In accordance with the requirements of the Development Management Procedure order an advertisement was placed in the Chichester Observer on the 6th July 2017. No further representations have been made in response to this notification. Whilst the development relies on access outside the ownership of the applicant, this isn't a material consideration as part of the planning application process.
- 8.10 The proposal originally sought a parking space and access which would have partially encroached outside of the defined residential boundary, which is the current arrangement that exists on the site. Nevertheless, to address the concerns raised as part of the refused application and comments as part of this application, the dwelling has been stepped further back from the frontage to allow a parking space within the curtilage of the bungalow, clear of the access. A single space is considered to be adequate provision for a one bedroom property of this size, especially when combined with the cycle provision and the sustainable location of the site. West Sussex County Council as Highway Authority has raised no objections to the safety of the new access or the proposal as a whole. The proposal therefore accords with policy in respect of highway safety.

v) Recreational Disturbance

- 8.11 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has agreed to enter into a S106 agreements to provide a financial contribution to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.
- 8.12 It is therefore considered that the proposal would not result in a significant environmental impact on the Harbours Special Protection Area.

vi) Other Matters

- 8.13 Representations have been received raising concerns about a covenant that is on the land restricting development. This however is a civil matter and is not relevant to the assessment of the planning application. The applicant would need to address the covenant matter separately from the planning application process.
- 8.14 The site is located within the Apuldram Waste Water Treatment Catchment Zone, there is currently capacity for a new connection for this one new residential dwelling.
- 8.15 The application involves the loss of one tree to the northern boundary. This has been assessed by the CDC Tree Officer and it is considered that due to the species type and condition, it is not worthy of a tree preservation order. As such it is considered its loss would on balance be acceptable, particularly with the additional landscaping proposed and a replacement tree to the rear garden.

(v) Section 106 Agreement

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

Conclusion

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

Human Rights

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

RECOMMENDATION

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

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 011, 1019-5300, CFA FULL BS 04

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

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

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

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

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

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

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

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

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

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

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

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

8) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

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

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

INFORMATIVES

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

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

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East

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

For further information on this application please contact Caitlin Boddy on 01243 534734.

Parish: Chichester	Ward: Chichester North
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CC/17/01158/FUL

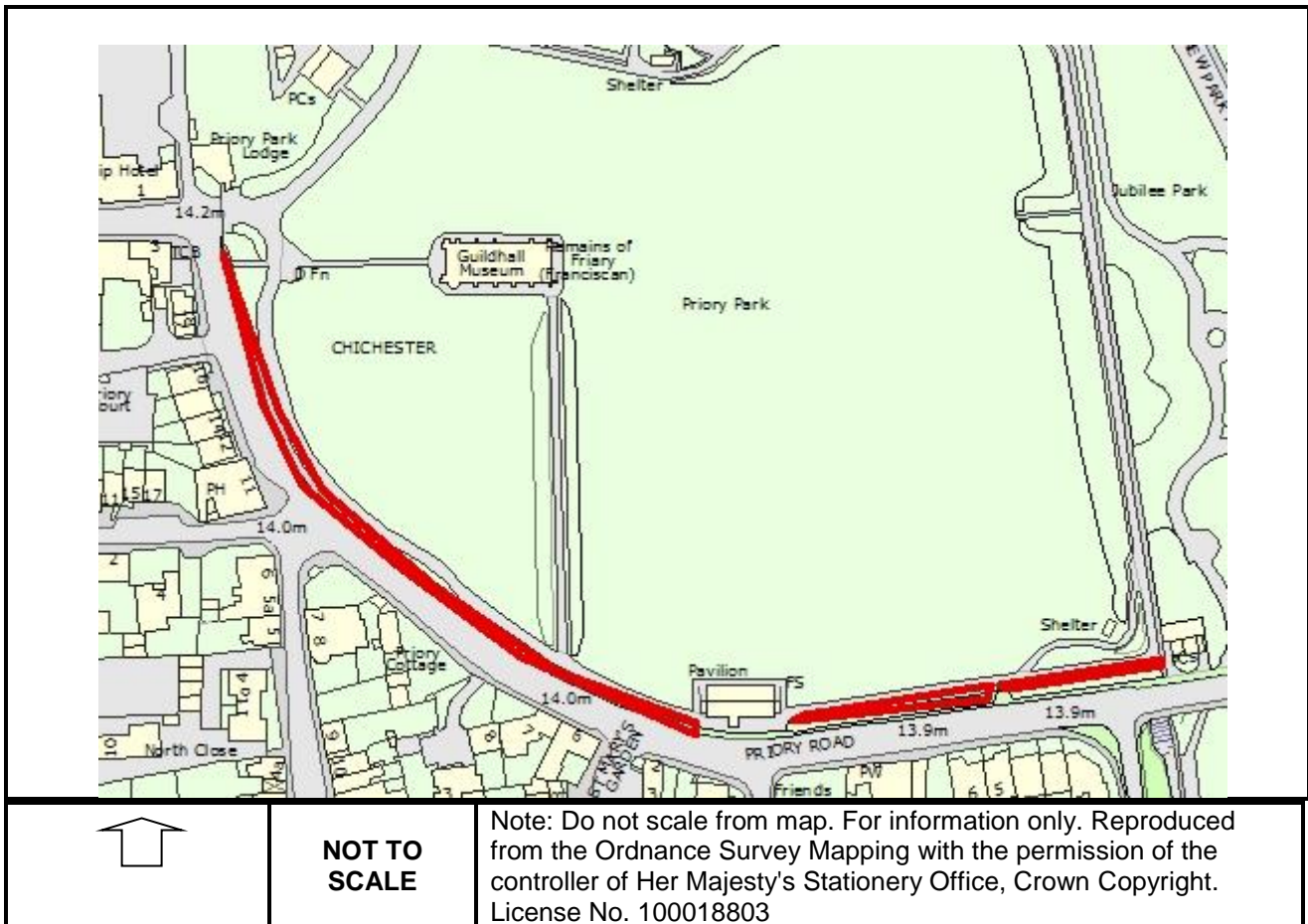
Proposal Installation of 1.2m bow top railings to the inner perimeter.

Site Priory Park Priory Lane Chichester West Sussex

Map Ref (E) 486295 (N) 105108

Applicant Chichester District Council

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 The Applicant is Chichester District Council

2.0 The Site and Surroundings

- 2.1 The application site includes the south and south-west boundaries to Priory Park, a historic and important public open space within the heart of Chichester city centre and the Chichester Conservation Area. The park is an archaeological Priority Area and contains Scheduled Ancient Monuments, listed and locally listed buildings including the; City Walls, Guildhall, location for the Chichester Castle, cricket pavilion and Priory Lodge. Formal cricket and bowls play spaces are laid out within the grounds of the park and the park also caters for children's play and includes a small café to the western boundary. The area forms a tranquil setting within the city, providing a public open space which includes both formal and informal elements. It is surrounded by the City Walls to the north and east, including mature trees.
- 2.2 The existing boundary treatments to the south and south-west boundaries of the park are formed of a mixture of hedgerow, mature trees and chestnut fencing. The levels are predominantly flat with the exception of the location of Chichester Castle.

3.0 The Proposal

- 3.1 The application proposes the installation of 1.2m high black galvanised steel bow top railings to the inner perimeter of Priory Park, to the south and southwest boundaries (to the inner side of the existing boundary hedge). The railings would be provided in three sections; the longest unbroken section (measuring 168 metres in length) would start to the south of the main western entrance to the park and would continue down to the western side of the existing cricket pavilion to the southern boundary. The second section would measure 53 metres in length, starting from the south eastern corner of the cricket pavilion along to the western side of the existing pedestrian gate punctuating the southern boundary, leading to Priory Road. The third section (measuring 36 metres in length) would run from the eastern side of the pedestrian gates to the southeast corner of the park to meet, but not attached to, the City Walls.

4.0 History

13/01803/FUL	PER	Temporary hot and cold food sales kiosk.
14/03892/FUL	REF	Single storey extension to existing sales kiosk to provide covered area for customers.
15/00543/FUL	PER	Application for a single storey extension to existing sales kiosk to provide covered area for customers, and extension of the timescale to retain structures until 31 December 2020.
16/03119/ADV	PER	2 no. non-illuminated welcome signs, 2 no. non-illuminated play area signs and 4 no. non-illuminated plaques on planter by Guildhall.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 City Council

No objection.

6.2 CCAAC

CCAAC has no objection. It strongly supports the securing of the park. However, the railing would look better outside the hedge rather than inside, and consider that a height of 1200mm is inadequate to deter intruders and that 1500mm would be more effective.

6.3 Chichester Society

The Executive Committee are concerned that the proposal will disrupt the wildlife habitat of the existing well established hedgerow. Care must be taken in the installation of the fence and its location to not spoil this feature and the enjoyment of observing nature by children in the Park. We suggest a wildlife ranger is consulted and wonder whether the fence might better be provided on the outside of the hedge.

6.4 CDC Archaeology Officer

It is unlikely that the proposed fence would have an impact on archaeological structures or deposits that might be present. However, if anything of interest is exposed during installation it will be either preserved in-situ and/or properly recorded.

6.5 Third Party Representations

4 letters raising the following concerns;

- a) Old hedges and trees are not only irreplaceable and aesthetically beautiful, they also house a wide variety of bird life;

- b) Question 15 should be a YES in both respects as there are hedges and trees adjacent and both must be fully protected, especially against root damage leading to them dying. Any loss here would be very detrimental to the character and appearance of this area. Detail of required protection should be included in the application so it can be properly assessed;
- c) Are old chestnut palings exterior to the Park, mostly in poor condition, to be removed as part of the overall project? If intended this should form part of the application or imposed as a condition attached to any eventual consent; and
- d) Address is incorrect and misleading.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester, at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 10: Chichester City Development Principles

Policy 14: Development at Chichester City North

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

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), section 4, 7, 10, 11 and 12 are also relevant to this case.

Other Local Policy and Guidance

7.5 The following guidance is material to the determination of this planning application:

- Chichester Conservation Area Character Appraisal

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) Impact on the visual amenity of the park and designated heritage assets
- ii) Ecological impacts
- iii) Effect on archaeological interests

i) Impacts on visual amenities and designated heritage assets

8.2 The railings would be designed with an interlaced bow top, made from galvanised steel and finished in black. This approach would be consistent with existing railings within Priory Park. The overall height of the railings would be 1.2m from finished ground level. The purpose of the railings is to prevent informal pedestrian access through the existing hedgerow, thereby damaging this sensitive and important boundary treatment. The height and proposed location of the railings within the park would therefore deter unwanted access whilst maintaining the character of the park provided for by the existing hedgerow. Locating the railings on the outside edge of the park as suggested by the CCAAC would require significant removal of existing hedgerow to the detriment of the visual amenities of the park.

8.3 The railings would be set away from the Guild Hall (Greyfriars Chapel) and Chichester Castle, both Scheduled Ancient Monuments (SAM). The last 5m section of railings would be erected over the SAM designation of the City Wall. Consent from Historic England has separately been given for three holes to hold the posts within this SAM area – the railings would not be attached to the City Wall itself. Similarly the railings would run close to the locally listed pavilion but would not be attached to it. The existing chestnut and wire fencing would be removed as part of the proposal. The proposal has been prepared in consultation with the CDC Archaeology Officer and Historic Buildings Advisor who have not objected to the scheme. The design, height and siting of the railings would be sympathetic to the traditional character and

quality of the site and immediate locality, including the SAMs and designated heritage assets.

8.4 Having regard to the above assessment the railings are considered to be sympathetic to the traditional character, appearance and setting of the site and surroundings. Consequently the proposal is considered to comply with CLP policies 2 and 47 and paragraphs 14 and 17 and sections 7 and 12 of the NPPF and Historic England's Guidance.

ii) Ecological impacts

8.5 The installation of the proposed railings would have minimal impact on the existing boundary hedge. The affected existing hedge would need trimming to allow for the railings to be implemented, hedge trimming is a common occurrence and necessary maintenance in a public park. The holes for the posts for the railing would need sensitive implementation in order to ensure the roots of the hedges and trees are not harmed, however given the modest size of the fixings the impact on the roots is unlikely to be to a degree that would be harmful to the root system and health of the hedges. The application proposes enhancements to the hedge where necessary.

iii) Effect on archaeological interests

8.6 The CDC Archaeology Officer has commented that it is unlikely that the proposed railings would have an impact on archaeological structures or deposits that might be present. Given the modest amount of excavations for each hole, to fix the railings to the ground and the limited depth of these holes - artefacts of archaeological importance, within this area, are normally located at a depth of 600mm or greater below surface ground level and therefore are unlikely to be found as a result of the proposed development. The consent granted by Historic England limits excavations within city wall SAM area to three excavation holes at 300mm in diameter by 450mm in depth. Should any artefacts of archaeological importance be found they should be recorded and reported to the Planning Authority. A condition requiring the recording and submission of any unexpected finding during the course of the development would be necessary.

Conclusion

8.7 In the consideration of this case special regard to the desirability of preserving the heritage assets, their setting and any features of special architectural or historic interest which it possesses has been given.

8.8 Based on the above assessment, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise. Therefore, subject to conditions, permission should be granted.

Human Rights

8.9 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: 11.5.17 and Drg 01.

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

3) Prior to implementation of the metal railings hereby permitted the existing chestnut and wire paling fence shall be removed in its entirety from the application site.

Reason; In the interest of visual amenities.

4) The steel railings hereby permitted shall be finished in black and retained and maintained as such in perpetuity.

Reason: In the interest of visual amenities and to respect the setting, character and appearance of the heritage assets.

5) If any artefacts of archeological importance are found during the construction period associated with the railings, a full record of its existence shall be collated and submitted to the Local Planning Authority.

Reason: In the interest of conserving this archaeology priority area.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc.) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain

wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) 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 on 01243 534734

Chichester District Council

Planning Committee

Wednesday 16 August 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
CC/17/00002/FUL WR (P Hunt)	46 South Street, Chichester, PO19 1DS - Attic storey extension to create an additional apartment.
CC/17/00416/DOM WR (P Hunt)	Clydesdale Lodge, 44A Caledonian Road, Chichester PO19 7PJ - Rear first floor extension with a roof garden.
CC/16/03216/ADV WR (R Ballam)	The Fat Fig, 42 South Street, Chichester, West Sussex PO19 1DR - 1 no. fascia sign attached to the front elevation, 2 no. vinyl signs on the windows and 1 no. hanging sign.

SDNP/17/00178/HOUS HEYSHOTT WR (J Shore) In Progress	Cottage On The Green, Peace Road, Heyshott, Midhurst West Sussex, GU29 0DF - Demolition and replacement of detached annexe.
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2.DECISIONS RECEIVED

Reference/Decision	
SDNP/16/04313/FUL BURY WR (L Kent) DISMISSED	Highfield, 161 Bury Road, Bury, Pulborough, West Sussex RH20 1NL - Erection of replacement dwelling - revised scheme to that granted under SDNP/15/05945/FUL.
<p>As such, I consider the development, by virtue of its design, scale and bulk, would result in an incongruous and out-of-keeping addition that would adversely harm the rural character and appearance of the area and would fail to preserve or enhance the landscape and scenic beauty of the South Downs National Park. I have found above that taken overall the development would harm the area's character and appearance. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to outweigh the scheme's benefits. The proposal would not therefore amount to sustainable development in the terms of the Framework.</p>	
SDNP/16/05456/HOUS BURY WR (J Shore) DISMISSED	Hollow Farm, The Street, Bury, Pulborough, West Sussex RH20 1PA - Construction of outdoor swimming pool and associated changing room building.
<p>"... I consider on a local level the proposed excavation and regrading to provide a level area for the pool and associated hardstanding area would be entirely different in scale and form to the existing gently sloping garden and would be very much at odds with the verdant character of the area. These shortcomings would be exacerbated by the elevated nature of the site, combined with the proposed siting and design of the changing room building and hardstanding area in close proximity to the adjacent dwelling which would impact on the local landscaped setting of the listed building. ... The purpose of the designation of the SDNP is to safeguard the character and appearance as a whole and I do not consider that the proposed engineering work and the re-profiling of the site would either conserve or enhance this part of the SDNP. As such, I consider the development, by virtue of its siting and design would result in an incongruous and out-of-keeping addition that would adversely harm the rural character and appearance of the area and would fail to preserve or enhance the landscape and scenic beauty of the SDNP. ... The mitigation measures ... do not overcome the adverse effects outlined above and the additional landscaping would take some years to grow before the positive benefits were fully effective. ... The proposal would have negative impact on the setting of the listed building. The setting would therefore not be preserved. However, given the modest scale of the development, the separation distance and the woodland area between the appeal site and the CA, the proposal would have neutral impact on the setting of the CA. The setting of the CA would therefore be preserved. ... I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight. ... The proposal involves the disposal of the excavated</p>	

Reference/Decision - Cont	
<p>material from the proposed development ... on part of a field outside the appeal site ... A more local level, the Council have identified that the proposed disposal site ... is a rare landscape type in the County. ... Whilst I recognise the potential benefits arising from the disposal of the excavated materials within close proximity to the appeal site, the adverse harm of the appeal scheme as outlined above in this sensitive rural landscape would outweigh the potential benefits. ... I conclude that the development would adversely harm the landscape character of the SDNP and as such would conflict with Saved Policies BE11 and BE14 of the LP, which I consider relevant in this case. ... I note the other developments in the area drawn to my attention by the appellant. ... I ... accord them limited weight as precedents in this case. ..."</p>	
<p>SDNP/15/03654/FUL Elsted & Treyford WR (D Price) ALLOWED WITH VARIATIONS</p>	<p>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.</p>
<p>"... Both parties refer to Elsted Road Bridge as a non-designated heritage asset and I see no reason to disagree with this. The bridge lies at an angle to the road. ... The former line is not accessible to the public on either side and there is no pavement along the road to be able to view the cutting. Nevertheless, the lack of access does not necessarily affect the potential historical value and significance of the bridge and its setting. ... There is therefore some local historical significance and communal value to the bridge, although I consider this is heavily compromised by the changes which have occurred to the bridge and its surroundings. ... The embankments would be high enough to obscure remaining parts of the wing walls which have not been dismantled, and also the shape of the infilled underside of the bridge. The alterations to the wing walls and placement of the embankment would change the appearance of the bridge. The remainder of the track bed to the north would be isolated from any remnants of the bed to the south. These would have a negative effect on the bridge and the setting would also be further altered. However, significance will not be lost completely as the majority of the features of the bridge itself would remain in-situ albeit obscured. The cutting would remain visible within the garden of Bridge Cottage and the line itself traceable from this and tree lined boundaries in both directions. The parapet walls which are the main feature of the bridge from the road would be retained. I have also had regard to the scheme being potentially reversible. These factors lead me to conclude that the cultural heritage of the SDNP would therefore not be adversely affected to any material degree. Alternative scenarios for the bridge repair have been considered by the appellant and include the consideration of effect on the appearance of the bridge. ... However, some of the alternatives would be limited and impractical due to further repairs being needed after some time, and include other safety considerations and impact on the local road network. ... The route of the former railway line is subject to consideration for a sustainable cycle and pedestrian route. ... The proposed route acknowledges loss of alignment, structures en-route and access issues by avoiding the bridge and private land, and I am not persuaded that a transport route under the bridge would be feasible or practical. ... Landscape character - The bridge is not a significant feature of the road with only a gentle gradient to the brow of the bridge. The cutting is not very noticeable and is only seen in very brief glimpses when travelling by car. Vegetation is a dominant feature of the immediate surroundings of the bridge. ... I acknowledge that the</p>	

Reference/Decision – Cont	
<p>embankments would appear engineered. However, a manmade impact and influence on the local landscape is not out of context given the nearby residential property, the industrial estate and construction of the bridge and former railway itself. ... The scale and design of the scheme in the context of the landscape character would be small, with the wider topography unaffected. ... There would also be no material impact on the wider historic landscape pattern. The scheme would not detract from its surroundings. For the reasons given above, I conclude that the proposal would not cause harm to the cultural heritage and landscape character of the SDNP. ... Conclusion and balance - There is the need to maintain the bridge to a safe and acceptable standard. This in turn will allow its long term continued use as a road bridge supporting access to wider area for the small communities and properties within the area. Other options would not provide these benefits. These factors weigh in favour of the scheme. ... I conclude that ... the appeal should be allowed. "</p>	
<p>SDNP/16/05877/FUL Fernhurst WR (B Stubbington) DISMISSED</p>	<p>Home Farm, Bell Road, Kingsley Green, Fernhurst, GU27 3LG – Formation of a new access with field gate and associated track.</p>
<p>Appeal Decision</p> <p>"... I consider on a local level the proposed excavation and regrading to provide a level area for the pool and associated hardstanding area would be entirely different in scale and form to the existing gently sloping garden and would be very much at odds with the verdant character of the area. These shortcomings would be exacerbated by the elevated nature of the site, combined with the proposed siting and design of the changing room building and hardstanding area in close proximity to the adjacent dwelling which would impact on the local landscaped setting of the listed building. ... The purpose of the designation of the SDNP is to safeguard the character and appearance as a whole and I do not consider that the proposed engineering work and the re-profiling of the site would either conserve or enhance this part of the SDNP. As such, I consider the development, by virtue of its siting and design would result in an incongruous and out-of-keeping addition that would adversely harm the rural character and appearance of the area and would fail to preserve or enhance the landscape and scenic beauty of the SDNP. ... The mitigation measures ... do not overcome the adverse effects outlined above and the additional landscaping would take some years to grow before the positive benefits were fully effective. ... The proposal would have negative impact on the setting of the listed building. the setting would therefore not be preserved. However, given the modest scale of the development, the separation distance and the woodland area between the appeal site and the CA, the proposal would have neutral impact on the setting of the CA. the setting of the CA would therefore be preserved. ... I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight. ... The proposal involves the disposal of the excavated material from the proposed development ... on part of a field outside the appeal site. ... A more local level, the Council have identified that the proposed disposal site ... is a rear landscape type in the County. ... Whilst I recognise the potential benefits arising from the disposal of the excavated materials within close proximity to the appeal site, the adverse harem of the appeal scheme as outlined above in this sensitive rural landscape would outweigh the potential benefits. ... I conclude that the development would adversely harm the landscape character of the SDNP and as such would conflict with Saved Policies BE11 and BE14 of the LP, which I consider relevant in this case. ... I note the other developments in the area drawn to my attention by the appellant. ... I accord them limited weight as precedents in this case. ... "</p>	

Reference/Decision - Cont	
Costs Application	
<p>"... The application for an award of costs is refused. ... the application for costs seeks a full award on procedural and substantive grounds. The appellant states that the Council was unreasonable and the refusal was unnecessary as they failed to make a decision within the prescribed time period, there was a lack of communication from the Council during the application process, the appeal proposals followed the council's pre-application advice process and a decision notice was issued contrary to proper procedures. ... The Council's submission and supporting evidence clearly shows that the Council was actively engaged with the appellant during the pre-application and application process and carried out their duty to assess the development proposal as submitted. ... and showed the continued dialogue between the main parties and the Council's willingness to delay the determination to allow continued discussion on the proposal. In light of the evidence before me, I do not consider that the Council has acted unreasonably in the regard. ... The officer's report and Council's appeal statement demonstrate the Council's view as to how the proposal would be unacceptable using the evidence submitted by the appellant, third party representations and the Council's observations, including advice from the Council's Historic Building Advisor. ... It will be seen for the reasons set out in my appeal decision, I concur with the Council on this case that there were sufficient grounds for dismissal, relating to the harm caused by the proposed development to the character and appearance of the area including the setting of the adjacent Grade II listed building and the impact of the proposed spoil heap on the landscape character of the South Downs National Park. ... Accordingly, I consider that the Council has shown that it followed the appropriate procedures and was able to substantiate its decision on the above matters and cannot agree that the Council has acted unreasonably in this case. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense which would lead to an award of costs, as described in the PPG, has not been demonstrated. "</p>	
SDNP/16/04896/FUL Harting WR (Rafa Grosso MacPherson) ALLOWED	Hill Ash Farm, Hill Ash Lane, West Harting, GU31 5NY - Construction of 1 no. store building for equestrian use.
<p>"... Despite the landscape character of the surrounding land, the land close to the appeal site is contained by existing development and woodland... it would not appear remote and would visually relate to existing development. The proposed building would be small and would have the appearance of a rural agricultural building. It therefore would not materially affect the openness of the land and would blend into its agricultural character... For all these reasons, it would not appear out of place...As the proposed building would be some distance from the listed buildings identified, which form part of the farm complex at Hill Ash Farm, and as it would be small scale, it would not affect the special architectural or historic interest of those buildings...for the same reasons, no harm to their settings would result... I agree that it has not been proven that such a use could not be accommodated within the existing farm complex. However, as I have found that material harm to the SDNP would not be a consequence and that proposed development would generally accord with LP Policy R6, being for storage for equestrian use, that matter would not affect my decision.... A list of suggested planning conditions is before me... Standard time and plans conditions are required to ensure clarity and in the interests of proper planning. A condition to control the use of the appeal building is necessary to ensure that development would be in accordance with LP Policy R6... "</p>	

Reference/Decision	
SDNP/16/00425/FUL Lodsworth WR (J Shore) DISMISSED	Old Bakehouse, Surrey Road, Lickfold, Lurgashall, Petworth, West Sussex, GU28 9DX - Replacement dwelling.
<p>"... Forge Cottage is a two storey C17 part stone and part timber framed dwelling. ... Old Shop Cottage is also a C17 timber framed dwelling. ... In my view the significance of these listed buildings is derived from their architectural quality and their spacious settings. ... The proposal would introduce a significant bulk of tall modern development into the space between Forge Cottage and Old Shop Cottage eroding the space between them and resulting in a relationship that would appear uncharacteristically cramped and at odds with the spacious pattern of development in the area. This would therefore harm the spacious character and appearance of the area and would harm the spacious settings and thus the significance of the grade II listed Forge Cottage and Old Shop Cottage. ... I have also considered the wider views of the proposed development, particularly views from surrounding public footpaths and road. ... I find it would not appear overly prominent or out of place in the landscape and therefore would not harm the scenic beauty of SDNP rural landscape. ... The Framework requires the degree of harm to be balanced against any public benefits the development may bring. ... However, benefits are modest, and do not outweigh the harm I have identified to the designated heritage assets and the overall harm to character and appearance of the area. ... Living Conditions - ... When viewed from Forge Cottage the proposed north elevation would appear as a large dominant expanse of modern roof rising awkwardly above the traditional retained wall. Due to its scale and lack of detail it would appear bland and feel oppressive which would be overbearing. The proposed development would therefore harm the living conditions of the occupants of Forge Cottage with particular regard to outlook. ..."</p>	
NM/16/03884/OUT WR (Fjola Stevens) DISMISSED	The Pine Place, Lagness Road, Runcton, PO20 1AQ – Outline Application for 4 no. dwelling houses and associated works.
<p>"...The application was submitted in outline, with the matter of access for consideration. The matters of appearance, layout, scale and landscaping are reserved for future consideration... The main issue is the effect of the proposed development on the character and appearance of the surrounding area... It is indicated on the plans that the proposed dwellings would occupy relatively narrow plots compared with those in the vicinity either side of the site... It would therefore appear as an uncharacteristically cramped form of development... It is indicated on the submitted elevation drawings that the proposed dwellings would have different designs, with those in the centre being slightly higher and including half hipped roofs to reduce the massing effect. However, that degree of variation and use of appropriate materials would be insufficient to deflect materially from the contradiction that would be caused with the existing spacious settlement pattern in the vicinity of the site, having regard to dwelling spacings. As such, the proposed dwellings would represent jarring and incongruous features of the Lagness Road streetscene... The proposal would be in a sustainable location in respect of being sited within the confines of the village settlement. It would also have the benefit, albeit small due to relating to a net addition of just three dwellings, of adding to the local housing supply. However, these factors would not outweigh the unacceptable harm that would be caused to the character and appearance of the surrounding area. As such it would not be a sustainable form of development..."</p>	

3.OUTSTANDING APPEALS

Reference/Status	Proposal
SDNP/17/00030/APNB Bepton WR (R Grosso MacPherson) Awaiting decision	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.
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

Reference/Status	Proposal
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.
E/17/00237/FUL WR (M Tomlinson) In progress	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) In progress	27 Coney Six, East Wittering, PO20 8DL - 2 no. dwellings, garage and associated works.
SDNP/16/05784/FUL Fernhurst WR (R Grosso MacPherson) In progress	Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.
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) In progress	East Harting Farm, Hollist Lane, East Harting, Petersfield, GU31 5LU – Extension to annex.
SDNP/17/01197/FUL Harting WR (D Price) In progress	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.
LX/16/03786/FUL Loxwood WR (Paul Hunt) In progress	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.

Reference/Status	Proposal
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) Awaiting decision	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) Awaiting decision	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.
SDNP/16/04426/FUL Midhurst WR (J Shore) In progress	Land to The rear of Fourwinds, Chichester Road West Lavington, Midhurst, West Sussex, GU29 9QE - Construction of detached 5 bedroom dwelling.
NM/15/00375/CONCOU I (R Hawks) In Progress Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room	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 NM/16/00424/ELD
NM/16/00424/ELD North Mundham I (Reg Hawks) Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room	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. Linked to NM/15/00375/CONCOU

Reference/Status	Proposal
O/16/02254/OUT I (J Bushell) Awaiting Decision	Land To The South Of Oving Road/B2144, Shopwhyke West Sussex - Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure.
PS/13/00015/CONCOU I (R Hawks) Adjourned to 31 July 2017 at Brinsbury College, Pulborough	Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of anaerobic digestion tanks and equipment for importation of waste and export of biomethane. Construction of a digestate lagoon without planning permission. Appeal against two enforcement notices. Linked to s78 appeal against refusal of planning permission by WSCC.
SI/15/03440/ELD I (M Tomlinson) In progress	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.
SB/16/00176/CONCOU WR (R Ballam/E Kierans) In progress	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
SB/16/02811/FUL WR (R Ballam/E Kierans) In progress	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
SB/16/03569/OUT Southbourne I (Rhiannon Jones) Public Inquiry to be held at 10am 12-15 September 2017 at WSCC , Edes House	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) In progress	The Old Studio, Bridgefoot Lane, Stedham, West Sussex, GU29 0PT – appeal against an enforcement notice: Use of annexe as a self contained residential unit.

Reference/Status	Proposal
TG/16/03798/FUL Tangmere WR (R Ballam) In progress	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 on the north of Long Copse Lane, Westbourne – amendment to affordable housing clauses

The Long Copse Lane site in Westbourne has full planning permission following planning permission WE/17/00911/FUL for 16 new dwellings 6 of which are to be provided as affordable dwellings. The development was allowed on appeal following an Inquiry. Works have now commenced and are significantly advanced. The proposal relates to the mortgagee clauses in the existing S.106 agreement dated 30th October 2015 which as drafted currently prevent Radian Housing Association Limited (the Registered Provider [RP] 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 addresses this issue and has been assessed by officers and by the Council's Housing Officer. No objection is raised. The National Housing Federation (the professional body of registered providers) has produced standard text relating to the mortgagee in possession clauses and these are now widely used by other councils. This Council also now includes the standard text in its 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 or mix of affordable dwellings secured under the Section 106 agreement for the development. There is a small change affecting the tenure of 1 no. affordable unit for rent which will become a shared ownership unit and a modification to the staircasing clause. There are no significant planning implications raised by the proposals which are supported by the Council's Housing Officer. 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 19th July 2017.

Members are asked to note the completion of the Deed of Variation.

Land north of Main Road and West of Inlands Road, Southbourne

Outline planning permission was granted in April 2015 and Reserved Matters was granted in April 2017 for the erection of 157 dwellings with associated access from Main Road, parking, open space and landscaping on land north of Main Road and West of Inlands Road in Westbourne (14/02800/OUT and 16/03018/REM refer).

The outline application was accompanied by a Section 106 Legal Agreement, which amongst other matters, secured the delivery of the affordable units and vehicular and pedestrian link to the boundary with Southbourne Infant and Junior School. The Council received a request to vary the S106 Agreement in relation to the following:

- i) A change in the split of affordable rented and shared ownership houses - from 70:30 to 53:47 split, due to deliverability issues. The overall numbers of affordable units would remain the same and still comprise 40% of the total unit numbers. The request to vary the S106 Agreement stems from changes to the Welfare Reform and Work Act 2016. The act requires registered providers (RPs) to reduce their rents by 1% p.a. over each of the next four years. RPs had previously expected to increase their rents by a percentage plus inflation each year. The S106 Agreement was completed before the government announcement preceding the Welfare Reform and Work Act 2016. Because rental incomes partly fund future developments, a considerable RP funding gap has arisen and it has been demonstrated that the RPs will not be able to deliver 70:30 affordable rented/shared ownership split on this site. The proposed variation in the split of affordable rented and shared ownership has been assessed by officers and by the Council's Housing Officer. The Housing Officer is satisfied that the proposed mix would meet local need and the new proposals are acceptable in the circumstances of this particular case.
- ii) Modifications to the S106 Agreement to enable the removal of the requirement for vehicular and pedestrian access up to the boundary of the school which would have enabled the school to then provide a vehicular drop-off/pick up access point within the school grounds and to amend the 'Safeguarded Link to the School' and the 'Total Access Demand Contribution (TAD)' definitions. The school has requested that the developer is no longer required to provide an access road and pedestrian footpath up to the school boundary. The request stems from a change in the Head Teacher at the school and issues around safeguarding resulting from the introduction of a new vehicular and pedestrian entrance into the school.

The amendment to the 'Safeguarded Link to the School' definition requires the developer to safeguard this land (in case a link is required in the future) but not to provide the access to the boundary. The safeguarded land will be retained as an area of green space. Associated with the above changes, the TAD definition has been amended, in line with the changes suggested by WSCC highways, to remove the reference for the contribution to deliver a turning head within the school grounds to provide a drop off/pick up facility and delivery of a pedestrian/cycle path from the site to Lodgebury Close and instead to require the contribution to deliver a footway link from Southbourne Station to the site and

enhancement of cycle provision between the site and Southbourne Village centre.

The Deed of Variation does not fundamentally alter the agreed main components of the highway works scheme in the S106 Agreement which will still need to be delivered.

The Council's Housing Officer, WSCC and Southbourne Parish Council raised no objection to these modifications. Accordingly, the modifications were permitted as a formal Deed of Variation to the original S106 Agreement on 20 July 2017.

Members are asked to note the completion of the Deed of Variation.

Land North of 20 Otway Road, Chichester

Full planning permission was granted in August 2014 for the erection of 17 dwellings with access road, parking and landscaping on the former Ministry of Defence site at Roussillon Barracks (13/03113/FUL).

That application was accompanied by a Section 106 Legal Agreement, which amongst other matters, required the affordable units to be provided for in perpetuity. The Council received a request to vary the s106 Agreement to enable a change in lending criteria to the Registered Provider. The request stems from changes in lending criteria to Registered Providers. The revision to the s106 Agreement is sought as the National Housing Federation has produced new wording which is now used as standard by Local Planning Authorities in s106 Agreements if Registered Providers require this. It removes the social housing in perpetuity requirement in case of a default and allows the Registered Provider to obtain a mortgage and get it at a better valuation.

The Council's Housing Officer and the City Council raised no objection to this modification. Accordingly, the modifications were permitted as a formal Deed of Variation to the s106 Agreement, dated 12th June 2017.

Members are asked to note the completion of the Deed of Variation.

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).

Land at Newells Lane, Funtington	Application for Injunction Without Notice for apprehended/anticipated breach of Planning legislation	Application in progress and awaiting court date
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Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

NONE