

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 15 November 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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 11 October 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 18 (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 15 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table
showing how planning applications are referenced.

- 5 **BX/17/00898/REM - Land West Of Abbots Close, Priors Acre, Boxgrove, West Sussex** (Pages 3 - 30)
Application for approval of reserved matters in respect of appearance, layout, scale and landscaping for the erection of up to 22 no. residential units, public open space, landscaping, access and car parking following outline planning permission 14/03827/OUT.
- 6 **CC/16/03791/OUT - Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Of Graylingwell Park, Chichester, West Sussex** (Pages 31 - 76)
Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development.'
- 7 **CC/17/01988/FUL, CC/17/01989/LBC, CC/17/02160/ADV - 13 East Street, Chichester, PO19 1HE** (Pages 77 - 86)
Shop front retained and modified, new double leaf doors finishing flush and decorated white. Internal works. New signage.
- 8 **E/17/02376/FUL - Dragon Nursery, Third Avenue, Batchmere, West Sussex** (Pages 87 - 93)
Replacement of existing agricultural glass around the outside edges of the roof of the building with Azura Blue tinted, toughened self-cleaning glass.
- 9 **E/17/02419/FUL - 129A Third Avenue, Almodington, Earnley, PO20 7LB** (Pages 94 - 102)
New external cladding, windows and doors. Replace profiled metal sheeting on roof with slate, replace flat roof over lean-to with pitched roof and insertion of conservation style rooflights (subsequent to notification application E/17/01489/PA3P).
- 10 **FU/16/04131/FUL - Land West Of North Lodge, Scant Road, East Hambrook, Funtington, West Sussex** (Pages 103 - 116)
Erection of 8no. stable block rooms, 1 no. barn and 1 no. toilet and shower block. Hard standing stone finish self draining yard and 1 no. access gate.
- 11 **HN/17/01301/ADV - Brook Lea, Selsey Road, Hunston, Chichester, West Sussex, PO20 1NR** (Pages 117 - 124)
1 no. non-illuminated temporary hoarding sign.
- 12 **LX/17/02304/FUL - Buildings North Of Mallards Farm And Bluebell Cottage, Guildford Road, Loxwood, West Sussex** (Pages 125 - 136)
Demolition of existing temporary outbuilding and erection of replacement dwelling.
- 13 **SY/17/00951/FUL - Selsey Regeneration 53A High Street Selsey Chichester West Sussex PO20 0RB** (Pages 137 - 147)
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.
- 14 **SDNP/17/02780/FUL - Kimpton Cottage, Durford Wood, Rogate, GU31 5AS** (Pages 148 - 161)
Erection of new 3 bedroom detached dwelling following demolition of the existing dwelling.

- 15 **SDNP/16/03326/FUL - Garden of 1 Stone Pit Cottages, Marleycombe Road, Camelsdale, Linchmere, West Sussex (Pages 162 - 176)**
Proposed dwelling.
- 16 **Land west of Centurion Way and west of Old Broyle Road, Chichester - Progress of the S106 agreement and commercial negotiations update (Pages 177 - 179)**
The Planning Committee is requested to consider and note the report.
- 17 **Schedule of Planning Appeals, Court and Policy Matters (Pages 180 - 196)**
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 18 **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
- 19 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

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

5. How applications are referenced:

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

Application Type

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

Committee report changes appear in bold text. Application Status

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

Chichester District Council

Planning Committee

Wednesday 15 November 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 appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

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

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

- Mrs J E Duncton – South Downs National Park Authority

Parish: Boxgrove	Ward: Boxgrove
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BX/17/00898/REM

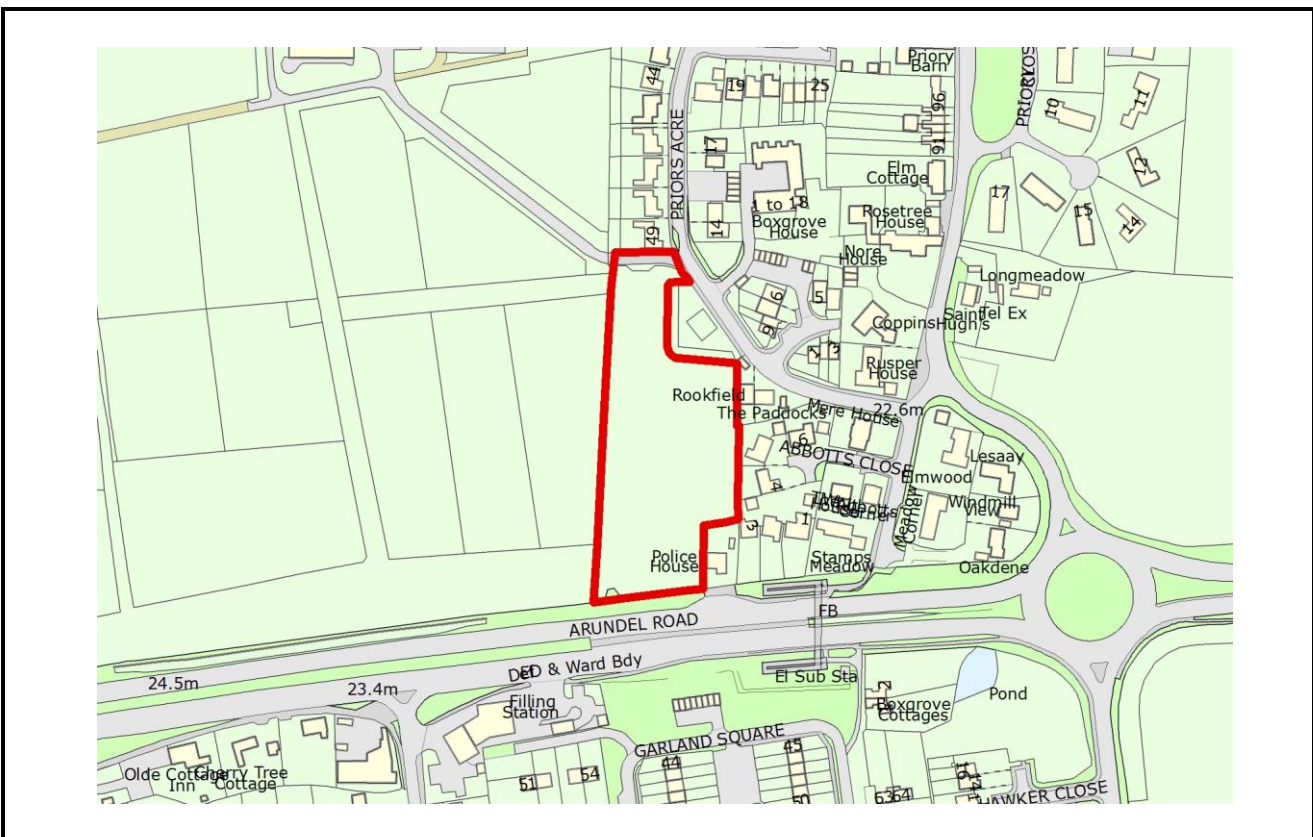
Proposal Application for approval of reserved matters in respect of appearance, layout, scale and landscaping for the erection of up to 22 no. residential units, public open space, landscaping, access and car parking following outline planning permission 14/03827/OUT.

Site Land West Of Abbots Close Priors Acre Boxgrove West Sussex

Map Ref (E) 490554 (N) 107058

Applicant Bargate Homes Ltd

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

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

3.0 The Proposal

- 3.1 Outline planning permission was granted under 14/03827/OUT for up to 22 residential units, public open space, landscaping, access and car parking. All matters were reserved except for the point of access. The planning permission is accompanied by a s106 agreement dated 19 February 2016. The s106 agreement deals with affordable housing provision, SUDS construction, foul drainage, estate road construction and management, site management, and the provision and maintenance of the open space land and the landscape buffer. Conditions on the outline planning permission dealing with construction management, surface water drainage, street lighting, contaminated land, energy performance, archaeology and bat and bird boxes have been discharged.
- 3.2 This application has been submitted for the approval of reserved matters in respect of appearance, layout, scale and landscaping following the outline planning permission 14/03827/OUT. The application site red line includes the access from the proposed development to Priors Acre. The revised site plans (0003 P11 and 0004 P14) confirm there is a narrow strip of land between Rookfield and the proposed plot 11, which is under the control of the applicant but is excluded from the red line identifying the application site.
- 3.3 The plans submitted with this application identify 22no. dwellings arranged each side of a spine road which runs diagonally through the site from the north west to the south east corner. The dwellings comprise a mixture of detached and terraced properties. The detached properties have private side or rear gardens, with on-plot parking and single garages. The 7no. terraced properties are located at the southern end of the site, facing south. These dwellings have private rear gardens and parking is provided opposite each property. Overall the layout includes 14 garages and 43 parking spaces. The road will be privately owned and managed, and is 4m wide. There are two areas of amenity open space provided, one is to the north of plots 10 and 11 and to the south of the dog leg near Rookfield, and the other is adjacent to the southern site boundary. There is a proposed 2m high acoustic fence along the southern site boundary, adjacent to the A27.
- 3.4 The dwellings and garages have pitched clay tiled roofs with some elevations revealing exposed rafter feet. The built form as a whole includes a variety of design details, including clay hanging tiles, contrasting brick quoining, timber framed pitched roof porches, feature gables, pitched roof dormer windows, half hipped, hipped and gabled roof forms and chimneys. Two multi brick types are proposed, with feature flint panels to plot 2. Windows will be white UPVC, with front doors in a cottage style. The access road is proposed to be finished in tarmac, with block paving to shared and private parking areas. Private garden boundaries will be defined by 1.8m brick walling or close boarded fencing.
- 3.5 The outline planning permission set parameters of 2 storey development, with up to 5m eaves and 9m maximum ridge heights. The two storey properties comply with this. Plots 11-14 along the eastern boundary are chalet bungalows with maximum eaves heights of 3.6m and ridge heights of 7m, these have been designed as lifetime flexible homes. There is a landscape buffer of 3m along the western boundary, which

is secured by the s106 agreement. Public open space is provided on the site totalling the 180sqm required, as set out in the s106 agreement.

- 3.6 The scheme provides 8 affordable dwellings (37%) comprising 2 intermediate units and 6 affordable rented units. The intermediate units comprise 1 x 2 bed house and 1 x 3 bed house. The affordable rented units comprise 2 x 1 bed flats, 2 x 2 bed flats and 2 x 3 bed houses. The market mix is proposed as 4 x 2 bed houses, 7 x 3 bed houses and 3 x 4 bed houses.
- 3.7 The details of the foul sewerage arrangements on site are covered by the s106 agreement. The submitted site plans show the sewerage pumping station sited adjacent to the northern public open space in the south west corner of the dog leg, to the north of plot 10 and opposite plot 3. A 10m buffer around the pumping station is also proposed, which is to be located within the open space and is a Grade 2 pumping station. The details for surface water drainage were approved under the discharge of condition 7 (17/01438/DOC) of the outline planning permission. The surface water will be managed on site via infiltration using geo-cellular crates under the parking area and the POS at the southern end of the site.
- 3.8 The proposed amenity landscaping comprises the delivery of two areas of open space and feature trees at key points around the site. A line of trees is proposed along the southern boundary, to the north of the acoustic fence. It is proposed that these features and boundary trees are a mix of native species and are planted at Heavy Standard size, 3.25-4.5m tall. The northern open space is shown to be planted with a wildflower mix to encourage wildlife. Bollards are indicatively shown to prevent unauthorised parking on the edges of the access road.
- 3.9 The application was amended during the course of the assessment, with updated site plans, elevations and floor plans, materials schedule, swept path diagrams, a further noise assessment, updated landscape masterplan and energy performance calculations provided.

4.0 History

14/03827/OUT	REF	Outline planning permission is sought for development of the site for up to 22 residential units, public open space, landscaping, access and car parking. All matters are to be reserved except for point of access.
15/00098/REF	ALLOW	Outline planning permission is sought for development of the site for up to 22 residential units, public open space, landscaping, access and car parking. All matters are to be reserved except for point of access.
17/01048/OBG	PCO	Deed of Variation to Section 106 Agreement for 14/03827/OUT - affordable dwellings.

17/01438/DOC	DOCDEC	Discharge of condition 7, 8, 9, 12 and 14 from planning permission BX/14/03827/OUT (APP/L3815/W/15/3138439).
17/01637/DOC	DOCDEC	Discharge of conditions 6, 11 and 13 from planning permission BX/14/03827/OUT.
17/02292/DOC	DOCDEC	Discharge of Condition 14 from Planning Permission BX/14/03827/OUT (APP/L3815/W/15/3138439).
17/02920/DOC	PCO	Discharge of Condition 13 from Planning Permission BX/14/03827/OUT (APP/L3815/W/15/3138439).
17/03064/DOC	REC	Discharge of Condition 6 from Planning Permission BX/14/03827/OUT

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	Flood Zone 1
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Boxgrove Parish Council

Boxgrove Parish Council agreed unanimously at its Annual Parish Meeting on 8th May to STRONGLY OBJECT to this application.

Contrary to Chichester Local Plans recommendation 17.20 to prevent social exclusion and to help establish a mixed, balanced and sustainable community within large developments, it is very important that the affordable housing is well integrated and distributed throughout the site. Affordable housing should not be externally distinguishable from the market housing the affordable housing is sited altogether at the furthest end of the development nearest to the A27 where there will be most noise, dust and pollution. There are ample alternatives to this solution.

Secondly there is no scheme in place for the management of the pumping station and waste water which leads to the belief that future residents will be faced with ever-increasing bills.

Thirdly the plans are uninspiring and disappointing. A typical developer scheme which smacks of mediocrity and again falls foul of Chichester Local Plan Policy 33 which requires:

- That proposals meet the highest standards of design
- Adequate infrastructure and provision for future maintenance is provided
- The proposal provides a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape
- The proposal respects and where possible enhances the character of the surrounding area and site, its setting in terms of its proportion, form massing, siting, layout, density, height, size, scale, neighbouring and public amenity and detailed design

Fourthly the access and egress of this site has not been properly assessed and it will cause traffic problems and nuisance to current residents.

Comments on revised plans October 2017

Boxgrove Parish Council strongly objects to this application, as in fact nothing has changed since the last objection. The affordable housing is still in a lump at the end of the development, contrary to CDC Local Plan where this should be integrated into the development. Furthermore the affordable housing is right next to the A27. The turning space allowed for the waste collection is (not only in front of the affordable homes and their cars but extremely tight. The green space allocation is extremely small for a development of this size. The issue of who maintains the pumping station has still not been resolved.

6.2 Environment Agency

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

6.3 Portsmouth Water

Portsmouth Water Ltd has no further comments or concerns in regards to application Ref: 17/00898/REM, as there is no seen risk to groundwater quality/aquifer protection in our area of supply.

6.4 Southern Water

Southern Water would have no objections to the above planning application for approval of reserved matters in respect of appearance, layout, scale and landscaping. Please note that the approved layout should incorporate that due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any Landscaping proposals.

The comments in our previous response dated 22/04/2015 remain unchanged and valid for the above reserved matter details.

6.5 Sussex Police

I have had the opportunity to examine the detail within the application and revisit my previous comments within my letter of PE/CHI/15/07/A to outline application 14/03827/OUT. I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime. I offer the following comments from a Secured by Design (SBD) perspective.

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Chichester District being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I was disappointed to note that due to the development being an un-adopted road layout, there will not be any street lighting. Therefore it will therefore very important to ensure that all dwellings have external lighting at their entrances that is operated by a dusk till dawn sensor. Given that there is no lighting within the development, the pathway between plots 19 & 20 will become a vulnerable area during the hours of darkness. As such this will require gating, otherwise this has the potential to provide a legitimate place for loitering and the potential to increase acts of anti-social behaviour.

I was pleased to note it is proposed to remove the rear access way to the dwellings running along the north south boundary. Where there is mention of boundary walls consisting of low brick walls topped by wooden fencing, I ask that the fencing is flush with the attack face of the wall to remove any climbing aids that may assist an intruder to enter the garden. Any other close board boundary (cbf) fencing is to be a minimum height of 1.8 metres.

Where the existing hedging and trees are to be retained along the development's boundary, it will still be necessary to provide individual garden boundaries of cbf to the height of 1.8 metres. Any gates providing access to rear gardens are to be the same height and construction as the adjoining fence and to be brought forward on the building line as is possible to prevent any recesses.

6.6 WSCC Highways

The above proposal is a reserved matters application. The access into the site has already been approved in a previous planning application. As such only matters of layout and parking need to be considered and as the development will not be offered for adoption by the LHA our comments are provided in an advisory capacity.

The site will provide 22 dwellings, with 14 garages and 43 car parking spaces. Where possible if the garages will be included as parking spaces; this will provide a slightly higher parking provision. These should be built slightly larger and to ensure these are used for parking and not for storage the condition attached will help to ensure these are kept for this use.

The WSCC car parking calculator has been used as guidance on the proposed number of parking spaces. For the size and type of dwellings the calculator suggests the development is providing parking within the maximum standard. For these spaces to be useable they should be built in line with Manual for Streets guidance 2.4m x 4.8m and garages slightly larger if they are to be used for storage of bicycles.

The internal layout has been reviewed by our implementation team. As the road will not be adopted the private roads condition should be included to ensure the roads are still built to a maintainable standard. Comments were made regarding the internal layout:-

- 1) The 17m visibility splay is acceptable provided the boundary wall does not obstruct forward visibility unless these are kept to a minimum of 600m
- 2) WSCC do not consider the give way markings are required although this is off the public highway and therefore only our opinion
- 3) Swept paths show that a car and refuse vehicles have enough space to turn and exit the site in forward gear.

6.7 CDC Drainage Engineer

Original comments

In his consultation response email dated 24.04.2015, in relation to outline application 14/03827/OUT, the Coast and Land Drainage Officer made the following comments regarding the proposed means of surface water drainage:

- Shallow soakage should be considered, deep bore soakaways are to be avoided.
- The surface water drainage design suitability should be confirmed through winter groundwater monitoring, proving that groundwater levels will not cause inundation of the surface water system. These comments are also relevant to this application.

Condition 7, applied to application 14/03827/OUT, requires a detailed surface water drainage design to be approved by the planning authority prior to construction. Therefore no further conditions are required for this application.

Further comments

Following further review of the supporting documents relating to applications 17/00898/REM and 14/03827/OUT, we would like to make the following additional comments:

A site layout and associated drainage strategy were submitted and approved in principle in relation to application 14/03827/OUT. The revised site layout submitted in relation to application 17/00898/REM conflicts with that existing drainage strategy. Therefore can the developer please either; revert to the existing approved layout and associated drainage strategy, or alternatively, submit a revised drainage strategy for the new layout, for approval. Can the developer also please including the results of winter groundwater monitoring, if available.

6.8 CDC Environment Officer

Hedgerows

The hedgerows provide foraging habitat and a commuting corridor for bats and thus should be retained and enhanced by filling any gaps with native planting.

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Birds

Any works to the trees / hedgerow habitat or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March – 1st October. If works are required to take place within this time an ecologist would be required onsite to check the area before any works take place (with 24 hours of any work). If a nest is then discovered all works should stop within a 5m radius until the young have fledged.

Reptiles

If any clearance is required within the southern site margin where scrub and tall ruderal vegetation is present, removal should be undertaken with care.

6.9 CDC Environmental Health (Contaminated Land and Air Quality)

The original comments made on the outline planning application still stand further gas monitoring was to have been carried out and the results sent to this authority to determine if any gas protection measures are required. In addition a condition was recommended in case unexpected land contamination was found. These conditions should be applied to this REM application and conditions PC23 and DC13 should be applied.

It is noted that a condition requiring a Construction Method Statement (no 6) has been applied to the appeal decision this condition should also apply to the REM application and condition PC05 should be applied.

In order to encourage the use of sustainable modes of transport, secure covered cycle parking should be put in place at each residential unit and information should be given to future occupiers on local public transport facilities and nearby walking and cycling routes. Details of the WSCC car share database should be given to future residents to encourage car sharing where possible.

In the previous response it was suggested that for the properties closest to the A27 carriageway facades facing the road should be designed so that less sensitive rooms face the roads (eg landings, bathrooms, halls and kitchens). These design considerations should be implemented in the nearest properties to the A27 to improve the air quality at the new properties.

6.10 CDC Environmental Health (Noise)

Original comments

I refer to my original comments in respect of planning ref. BX/14/03827/OUT. They generally said that development was possible at the site (although desirable noise levels internally could only be achieved with windows closed) but this had not been adequately demonstrated at the distance of the nearest proposed properties from the A27 as shown on the submitted plans.

The calculations for noise levels at the façade of a property at approximately 20m from the nearside carriageway take into account the existence of a bund. This bund is calculated to provide a significant reduction in noise levels. The noise report does not include the detailed calculation for the bund i.e., it does not detail the assumed height etc, or distances from source and receptor. I visited the site recently and took some digital photographs of what I assume is the 'bund' (see below). I cannot see how this can provide the level of attenuation referred to in the report.

Additionally, the calculation does not give the predicted noise levels for night-time, and therefore the acoustic report does not demonstrate that occupiers will not be adversely affected by L_{Amax} levels produced by passing road traffic on the A27. The applicant will need to address these issues before the Environmental Management team can provide further comment. This may include carrying out further noise monitoring at the actual development site (as opposed to approximately 100m west of the development site).

Further comments

I submit these comments to you in relation to further information which was submitted by the acoustic consultant in response to my comments of 26th July regarding discharge of Condition 14 of BX/14/03827/OUT which requested the submission of a noise mitigation scheme. I confirm that I have read the latest acoustic report (Technical Report: R7018-1 Rev 2).

As requested, further noise monitoring has been carried out at the proposed development site to record typical A27 noise levels. The results show that noise levels are similar to noise levels generated during Goodwood Festival of Speed. The raw noise monitoring data has also been provided (as 5-minute averaged noise monitoring periods). This shows that L_{Amax,f} noise levels at the proposed southern most facades would be high, and this combined with the high number of events means that the noise could have a significant effect on sleep disturbance. The L_{Amax} data given only shows the highest L_{Amax} noise level during a 5-minute period. We still have no idea as to the number of events in these 5-minute periods.

The BS8233:2014 noise calculations as requested have been provided, and they show that desirable internal noise levels could be achieved with suitable glazing and trickle ventilation.

However, this means that when purge ventilation is required, or when residents need to keep their windows open to prevent over heating during the summer months (the properties facing on to the A27 are south facing) then there is a strong possibility that sleep will be disturbed. Keeping windows closed all the time, may also lead to a sterile internal environment because of the high specification of acoustic glazing etc. Mechanical ventilation could be installed to cool the rooms, however this brings its own problems including the introduction of a new noise source.

In accordance with ProPG Supplementary Document 2 (Good Acoustic Design) (2017) layout, orientation, distance from noise etc., should be considered in the first instance to mitigate noise rather than rely on windows and mechanical ventilation. Mechanical ventilation should be considered as a last resort. We therefore recommend that the applicant submit plans which incorporate the advice given in ProPG, as the current plans do not demonstrate good practice in terms of mitigating the noise.

Further comment on updated Noise Impact Assessment

Further to my consideration of the Updated Noise Impact Assessment Technical Report: R7018-1 Rev 3 by 24 Acoustics, I have now also seen the letter summarising the SAP assessment and additional details on the ventilation units chosen.

The SAP assessment concludes that the properties are not at particular risk of overheating and from that we can infer that boost ventilation for cooling via open windows should not be required and background ventilation via the acoustically treated vents should suffice for the majority of the time. The extraction ventilation fitted to the bathrooms and kitchens will be Greenwood, Unity CV2GIP, a type which run continuously at low level moving air out at 5 – 8 L/S, increasing to up to 23 L/S when required. These will assist the ventilation of the property and encourage air circulation.

As extract ventilators will comprise holes in the property which could themselves allow noise to enter, I would like to have details how they will be installed so as not to allow ingress of noise. I appreciate that they are quiet running, but without acoustically sensitive installation they may undermine the efficacy of the glazing / acoustic trickle vents.

Further comment on construction method

The application now has sufficient information.

6.11 CDC Housing

The outline application, for up to 22 units, on the above site was approved at appeal, under application number BX/14/03827/OUT.

Market Housing

The proposed market mix is set out below:

7 x 3 Bed Houses (50%)

7 x 4 Bed Houses (50%)

Total 14 units

The Council's adopted Planning Obligation and Affordable Housing SPD (PO&AH SPD) states: "At the District-wide level, the SHMA recommends an appropriate mix, size and type of both market and affordable rented housing requirement on new development. This will be used as the basis for both market and affordable housing requirements over the plan period. Individual sites will be expected to reflect the needs of the SHMA.....any applications for new housing should include evidence to support any deviation from policy."

The SHMA advises that there is a need to increase the supply of less expensive properties to improve affordability. It concludes that the mix of market housing should focus to a greater degree on smaller family homes to help retain younger working households, encouraging economic growth and enable older people to down size. The proposed market mix does not meet the SHMA requirements, in that there is no provision for smaller units and there are far too many 4+ bedroom units, which will contribute to the already disproportionate amount of larger detached properties in the District, further exacerbating the affordability issues. The applicant has made no justification for the proposed mix. Therefore, the below market mix will be required to meet the evidenced local need:

The market mix required is set out below:

5 x 2 bedroom houses (36%)

7 x 3 bedroom houses (50%)

2 x 4 bedroom houses (14%)

Although the outline was approved with all matters reserved except for access, the indicative outline market mix was in-line with the above and paragraph 11 of the inspectors report states: "The proposed development would largely meet that need and would boost significantly the supply of housing in the village. Opportunities for homeownership would be widened and an identified need for affordable housing would be met. As such it would provide for the needs of present and future generations and meet the social and economic roles identified in the Framework as 2 of the 3 dimensions to sustainable development."

The proposed market mix does not provide for the needs of present and future generations. The mix set out above will provide units to meet local housing need; enabling newly forming households to remain in the district, older people to down size to appropriate accommodation and the smaller family houses will help retain and attract young working families, supporting economic growth.

Affordable Housing

Paragraph 1.3 of the First Schedule of the s106 Agreement, dated 19.02.16, sets out the affordable housing mix obligation:

2 Intermediate Units of the following mix and sizes:

1 x 2 Bed House

1 x 3 Bed House

6 Affordable Rented Units of the following mix and sizes:

2 x 1 Bed Flats

2 x 2 Bed Flats

2 x 3 Bed Houses

The proposed affordable mix under this application meets the s106 requirement.

In order to prevent social exclusion and to help establish a mixed, balanced and sustainable community, it is very important that the affordable housing is well integrated and dispersed throughout the site. Although the PO&AH SPD requires no more than groups of 10 affordable units in one area, all 8 units are positioned so that there is no integration between the market units and are at the most southerly part of the site, closest to the A27. As the size of the market units are to be reduced, it is advised that the layout be reviewed to enable better integration of the affordable units.

It is strongly advised that the applicant enters into discussions with our RP partners at the earliest opportunity. As recent experience has shown that it is becoming more difficult to find RP's willing to take on small numbers of affordable units on s106 sites. As the majority of RPs are focusing on efficiency savings; following the grant reductions and revenue income reductions (as a result of the 1% per annum affordable rent reductions). Coupled with the fact the units will have sealed windows and mechanical ventilation, which could further reduce RP take up.

It is advised that if the affordable units are too be delivered in 2 blocks, as proposed, the affordable rent and shared ownership are delivered in separate blocks to avoid management issues. As the proposed plans currently groups one affordable rent unit with two shared ownership units.

To conclude the housing delivery team are unable to support this application until:

- the market mix has been revised to meet the SHMA requirements
- the affordable units are better integrated within the development and the separation between the affordable and shared ownership are made.

Further comment

Following from my comments dated 18/08/2017, the applicant has amended the proposed market mix from:

- 7 x 3 Bed Houses (50%)
 - 7 x 4 Bed Houses (50%)
- Total 14 units

to:

- 4 x 2 Bed Houses (28.5%)

- 7 x 3 Bed Houses (50%)
 - 3 x 4 Bed Houses (21.5%)
- Total 14 units

The amended mix is not exactly in-line with the SHMA recommendations (5 x 2BH, 7 x 3BH & 2 x 4BH), a difference of one extra 4 bed and one less 2 bed. However, taking into consideration that 4 of the 2 bedroom properties will be lifetime home standards, the difference of one unit is acceptable in this instance. The amended market mix will now provide units to meet local housing need; enabling newly forming households to remain in the district and older people to down size to appropriate accommodation.

No amendments have been made to the affordable housing mix, which is in-line with what was agreed in the S106.

All the affordable units are still located at the most southerly part of the site, closest to the A27. However, the applicant is now proposing:

- to move the building line further back from the A27
- a 2m high acoustic barrier at the southern boundary to improve noise attenuation, and;
- an open space area in front of the affordable properties.

These amendments have resolved the noise and ventilation issues that were previously raised. The PO&AH SPD requires no more than groups of 10 affordable units in one area, all 8 units are positioned together which meets this requirement. However, it would be preferable if there was better integration with the market units.

6.12 CDC Waste Services

Layout

My initial concern is the swept path analysis has been carried out using a smaller vehicle. Even so the current proposed turning head is tight and appears to show the vehicle swinging over a property boundary to plot 17 which is of concern. I would therefore recommend the swept path analysis is carried out using the correct refuse freighter dimensions and the turning head is enlarged to accommodate, ensuring the freighter does not pass over property boundaries.

In respect of landscaping, please could we request that any trees/bushes around the turning head are moved as to not obstruct our refuse freighter during turning. I would also ask if the trees located on the inside of the bend at the top of the site (near plot 2) are also moved back to ensure visibility around the corner are not obstructed.

Please refer to attached Waste Storage and Collection Guidance.

Collection Points

Most properties on site will place their bins out as per the council's guidelines, just inside the property boundary at the closest point to the public highway. In these instances the collect crew would collect from these points. However would it be possible that a communal collection point is made available for the following plots at the entrance to their mews: 08, 09, 10, 11, 12? In respect of plots 15-22, south of site,

could the developer confirm the parking court is able to take the weight of our 26 tonne refuse freighter?

Further comments

Please pass our thanks onto the developer for addressing the points we raised in respect of the site layout.

I have referred the amended plans and swept path analysis to one of refuse freighter drivers/supervisor and they are satisfied with the amendments which have been made. We have no further comments or concerns.

6.13 Six third party objections Original plans

- strongly object to the layout on the basis of mix and tenure
- privacy and right to light in relation to The Old Police House
- impact on privacy of 49 Priors Acre from plots 1 and 2, overshadowing, plot 1 not chalet bungalow as agreed
- surface water drainage including the capacity of the pond
- capacity of Tangmere WwTW and ability to cater for the additional development
- water pressure will not be adequate
- scheme too different from that approved at appeal
- request no weekend or evening working to protect neighbour amenity
- all construction parking to be within the site
- impact on wildlife, loss of natural habitat
- ownership and management of access, drainage, sewerage and landscaping
- access road parking deterrent features (wooden posts) will not be effective
- request no overnight parking of commercial vehicles within the development or the Priors Acre street frontage
- increased noise and disturbance on existing residents
- additional concern about damage to existing property (boundary wall bordering site access) from large vehicle access including refuse freighter and emergency vehicles
- reiterated original concerns including increased noise and disturbance, loss of light and overshadowing, particularly from plots 1 and 2, loss of privacy, increased noise and traffic, loss of natural habitat for wildlife
- concerns about management and maintenance of amenity and planting space within the development, how to prevent overspill and commercial vehicle parking and controlling the construction phase
- it is essential that all construction and or site bound vehicles are routed via the A27 and Tangmere roundabout, not through Halnaker (Conservation Area and 7.5 tonne weight limit)

7.0 Planning Policy

The Development Plan

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

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 33: New Residential Development

Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

7.3 The Boxgrove Neighbourhood Plan 2017-2029 Regulation 14 Pre-submission draft plan is out for consultation. This 6 week period began on 20 September 2017 and ended on 1 November 2017. The plan has not yet been submitted to the Council for Local Authority consultation under Regulation 16 nor been to Examination and therefore carries limited weight at this stage. Although the Parish did not favour this site on the early work on the Neighbourhood Plan, the outline application was permitted on appeal. The application site is not being promoted through the Neighbourhood Plan. The following draft Neighbourhood Plan Policies are relevant to this proposal:

Policy SB1: Settlement boundary/ recognised village envelope
Policy EH1: Protection of trees and hedgerows
Policy EH4: Surface Water Management
Policy EH7: Dark Skies
Policy EE3: Communications Infrastructure
Policy LC1: Support Independent Living
Policy H1: Quality of Design
Policy H2: Housing Mix
Policy H4: Outdoor Space
Policy GA2: Parking in new development

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

National Policy and Guidance

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

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

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

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

- 7.6 Consideration should also be given to paragraph 17 (Core planning principles), 32, 34, 35, 39 (Promoting sustainable transport), 47-50 (Delivering a wide choice of high quality homes), 56-61, 63-64 (Requiring good design), 69 (Promoting healthy communities), 109, 115, 118, 120, 123-125 (Conserving and enhancing the natural environment), 183-185 (Neighbourhood planning), 196-197, 203-206 (Decision-taking) and Annex 1 (Implementation).

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

Other Local Policy and Guidance

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

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

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

- Support communities to meet their own housing needs

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) The principle of development
- ii) Housing mix and tenure
- iii) The character and appearance of the development
- iv) Noise and residential amenity
- v) Highways and parking
- vi) Landscaping

Assessment

i) The principle of development

8.2 The principle of development on this site for 22 houses including the acceptability of the access point was previously considered at appeal in 2015. The Inspector determined that the appeal should be allowed on the basis of the limited weight that could be afforded to the emerging Neighbourhood Plan and that it would significantly boost the provision on housing.

8.3 The site has also been included in the emerging Site Allocations Development Plan Document and the settlement boundary for Boxgrove will be extended on the western side to incorporate this site. Moderate weight can now be afforded to the Site Allocations DPD which is at an advanced stage of preparation. The principle of development of this site is therefore established and it should be noted that it contributes towards the Council's 5 year housing land supply.

ii) Housing mix and tenure

8.5 The housing mix, as set out in paragraph 3.6 above, is broadly consistent with the SHMA in both affordable and market dwelling mixes. The s106 agreement requires eight affordable dwellings to be provided, consistent with Policy 34 of the CLP. This application proposes eight affordable dwellings, which equates to 37% of the total number of units on the site. The location of the affordable units is proposed in the south of the site, with a mix of 1, 2 and 3 bedroom properties (including flats and houses). Policy 34 requires that affordable dwellings should be grouped in collections no larger than 10 units.

8.6 The applicant has amended the layout and mix of market dwellings to be broadly in accordance with the SHMA, with one less 2 bedroom property and 1 additional 4 bedroom property than advised by the SHMA for local needs. As amended the market mix of dwellings is now considered acceptable by CDC Housing Officers.

- 8.7 The housing mix also includes 1.5 storey dwellings (chalet bungalows), which have the flexibility to have a ground floor room changed to a bedroom should the need arise and these are therefore considered to be lifetime homes. These properties are proposed as 2 bedroom properties, but should the ground floor room be converted it would become a third bedroom. This is consistent with the aims of government for healthy communities which supports people of all ages (NPPG).
- 8.8 The housing mix and tenure split proposed is considered to be acceptable. The proposal is in accordance with Policy 33 and Policy 34 of the Chichester Local Plan on the appropriate mix of dwellings, including affordable dwellings.

iii) The character and appearance of the development

- 8.9 This proposal seeks the council's approval for the remaining reserved matters of scale, layout, appearance and landscaping. The development is centred on a central spine road with the 22 houses situated either side of the road. A two storey 'gateway' property is proposed at the junction of the development site with Priors Acre and faces onto the access road. To the east of the spine road is half of the open space provision, together with the one pumping station and five detached dwellings (including 4 chalet bungalows) with on plot parking. The proposed Grade 2 Pumping Station requires a 10m stand-off area and this proposal complies with this distance, as set out in 'Sewers for Adoption 7th Edition', a Southern Water adopted document. A Grade 3 Pumping Station requires a distance of 15m standoff, however the applicant has confirmed that the reduction in Grade is due to more of the development being drained by a gravity fed system.
- 8.10 To the west of the spine road is a mix of 2 storey detached, semi-detached and terraced dwellings. The remaining open space provision is located close to the southern boundary of this site with the A27. The location of the open space allows for a greater separation distance between the southern facades of the nearest dwellings and the A27 carriageway.
- 8.11 The scale of the dwellings at 1.5 or two storeys is consistent with adjacent dwellings and those more widely in the village of Boxgrove which have a semi-rural appearance.
- 8.12 The layout of this proposal is broadly consistent with that shown indicatively on the outline illustrative layout considered at appeal. During the consideration of the application, amendments have been made to the layout, following discussion with officers and the applicant, to ensure that future occupants would not be subject to sub-standard living conditions from noise. As amended the layout also includes a 2m high noise fence on the southern boundary. Noise issues are discussed further below.
- 8.13 The elevation treatment and design of the proposed dwellings reflect the character of the immediate locality and is appropriate for this semi-rural settlement location. Priors Acre directly to the north of the application site is a modern housing development permitted in 1995. There is a mix of flint and boarding treatment to the elevations of the properties in Priors Acre, along with a sympathetic stock brick. This proposal

takes the same elevational and materials approach as Priors Acre and therefore Officers consider that the proposed dwellings would be consistent with the appearance of the area and would respect the local character. It is recommended that materials are controlled by condition. The scale, layout and appearance of the development are consistent with Policy 33 of the CLP.

iv) Noise and residential amenity

- 8.14 This application site is adjacent to the A27. During the course of consideration of the application, the applicant has amended the proposal and clarified, with further investigation, the acoustic environment and the methods which are required to reduce the impact of noise on the future occupiers of the proposed development. CDC Environmental Health Officers are now satisfied that residents of the properties closer to the A27 would not experience harm to their health from noise.
- 8.15 The applicant, during the consideration of the application, has brought the southern building line back further from the A27 carriageway (now a distance of more than 38m; originally 20m) and now proposes a 2m high acoustic barrier. Whilst not delivering a significant perceptible noise reduction, the proposed new and retained vegetation on the southern boundary and the open space separation distance is also considered to be beneficial for the amenity of residents.
- 8.16 The applicant has demonstrated to a technical standard that the measures proposed would mitigate any harmful levels of traffic noise. This includes orientating private gardens to the north of the terraced dwellings (plots 15-22) and minimising bedrooms and habitable rooms on the southern elevations of these properties. The applicant is also proposing to install high standard windows with vent systems to mitigate noise. The applicant has demonstrated with SAP calculations, a technical calculation for Building Regulations on the predicted energy requirement of a building, that the bedrooms on the southern elevations of the terraced dwellings would not be subject to overheating in the summer if the occupant chose to keep the window closed and therefore no boost ventilation is proposed. No additional windows are proposed on side elevations of the terraced dwellings (plots 15- 22).
- 8.17 The orientation of properties and the layout would allow for a satisfactory acoustic environment, with appropriate glazing and vent systems, across the site as a whole. Boxgrove Parish Council has raised concern about the positioning of the affordable dwellings, as the closest dwellings to the southern boundary of the site with the A27, vulnerable to the highest noise levels on the site. CDC Housing Officers consider the affordable dwellings to be acceptable in this location following discussions with affordable housing providers. The applicant is in advanced discussions with affordable housing providers.
- 8.18 It is noted by officers that the private amenity space of the properties to the south of the site (plots 15 -22) are smaller than would normally be required for a new dwelling, with a depth of around 7m. During the course of the application the building line has been brought further north in this area of the site and this has resulted in smaller gardens in order to maintain appropriate access and turning space and provide an area of open space. Whilst it is regrettable that these properties have smaller gardens the overall benefit of a better acoustic environment is positive in the planning balance. There is also opportunity for future residents to use the proposed open space directly

to the south and further open space to the east of the site. The southern area of open space will be a secure space, given the 2m high acoustic barrier on the southern boundary. Conditions are proposed to ensure the implementation of these mitigation measures.

- 8.19 Third party representations have been received during the course of the application raising concerns over amenity harm, including overlooking and increased activity on the eastern boundary. It is considered by officers that the scheme has been sensitively designed to ensure that any impacts from the proposed new development are mitigated. Bungalows feature on the eastern boundary of the site to ensure a low profile and interaction with residents in Priors Acre and Abbots Close to the East.
- 8.20 The Police House lying adjacent to the A27 carriageway and the closest residence to the development would not, in officers opinion, have their amenity harmed by the proposed development. There would be limited opportunity for new residents to overlook the police house by dwellings to the north and west of the property due to proposed boundary treatments, separations distances (17m and 15m) and existing and proposed landscaping. Conditions are proposed to ensure the construction of boundary treatments and delivery of landscaping. Conditions on the outline permission require tree and hedgerow protection during the construction phase.
- 8.21 The outline permission requires the submission of a Construction Environmental Management Plan which would control the impact on the amenity of residents during the construction phase.
- 8.22 The proposed development would not result in a harmful impact on the health and enjoyment of the proposed properties or the amenity of existing properties in Priors Acre and the Police House. The proposal is therefore consistent with Policy 33 and Paragraph 109 of the NPPF in regards of impact of the development on amenity.

v) Highways and parking

- 8.23 The site already benefits from an extant outline permission with an access point agreed. WSCC Highways have therefore restricted their comments on this reserved matters application to car parking and turning provision within the site. The parking provision is on plot, in designated car parking bays or in garages. Cycle parking would be provided in garages or external storage in the gardens. The parking provision (54 spaces) and garage dimensions accord with WSCC guidance.
- 8.24 The applicant has proposed a turning head at the south of the site and has demonstrated the safe manoeuvring of refuse and fire appliance vehicles and therefore neither WSCC highways nor CDC Contract Services object to the application on this basis. Boxgrove Parish Council has objected to the proposal in part to the availability of safe turning, however local and statutory consultees (WSCC and CDC Contract Services) have not made any technical objection as discussed above.
- 8.25 It is considered by officers that this proposal would be in accordance with guidance on parking and turning and therefore accords with Policy 39 of the CLP for planning considerations on highways and transport grounds.

vi) Landscaping

8.26 The landscaping of the site comprises a 3m landscape buffer on the western boundary, in the two areas of open space close to the eastern and southern boundaries as well as to the front of the properties in small front gardens. A variation of the s106 agreement is required to align the open space plan in the s106 agreement with this current layout. The s106 agreement currently secures the open space on the eastern boundary of the site, and this proposal would result in this space divided and part moved to the southern boundary. The overall total of open space as required by the s106 agreement is met across these two areas of open space.

The Parish has raised concerns within their objection to the proposal about the size of the open space. As set out above the open space has been amended to ensure that this provides both usability, visual amenity benefits and a suitable separation distance of properties from the A27 and the sewage pumping station.

8.27 The s106 agreement also secured the location of 3m landscape buffer. The applicant has maintained this 3m buffer to allow appropriate maintenance for the ecological and landscape benefits of retaining the hedgerow feature.

8.28 The landscaping proposed is acceptable and consistent with Policy guidance to increase biodiversity and to ensure the proposal is climate change resilient with plants which are tolerant of low water conditions.

Other matters

8.29 The Parish has raised objection with concern over the ownership of the pumping station for foul drainage. The details of the foul pumping station and its future ownership and management are required by the s106 legal agreement to be submitted and agreed by the LPA. These details are required prior to occupation of the first dwelling. Land has been safeguarded within the layout with sufficient stand-off distance for the development to accommodate the foul infrastructure. It is not reasonable to require details of the foul sewerage prior to the triggers as set out in the legal agreement.

Significant Conditions

8.30 Conditions have been proposed to ensure the development has a positive impact on the local area (implantation and maintenance of landscaping, retention of hedgerow and fencing, materials, sample panel) as well as future occupants (noise mitigation measures including acoustic barrier). Given that this is a reserved matters application, the proposal will also be required to comply with all conditions on the outline permission.

Conclusion

8.31 This proposal is the Reserved Matters application for a site with an extant outline planning permission for up to 22 dwellings with access. The site is also a proposed site in the Site Allocations DPD, currently at examination. The proposal's appearance, layout, scale and landscaping are considered to be sympathetic to the character of the area and would not, subject to conditions, result in harm to amenity of existing residents in Priors Acre or Abbotts Close. The proposal has also been sensitively designed to ensure that potential occupiers of the properties would not be subject to harm from noise. Based on the above, it is considered the proposal complies with development plan policies: 1, 2, 5, 33, 34, 39, 40, 42, 47, 48, 49, 52 and 54 and therefore the application is recommended for approval.

Human Rights

8.32 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 not be carried out other than in accordance with the approved plans: PRA-MHA-00-ZZ-DRA-A:0001 REV P2 ,0002 REV P1, 0004 REV P15, 0006 REV P6, 0007 REV P8, 0008 REV P6, 0009 REV P5, 0010 REV P8, 0011 REV P6, 0012 REV P8, 0013 REV P7, 0014 REV P10, 0015 REV P8, 0016 REV P6, 0017 REV P4, 0018 REV P4, 0019 REV P4, 0020 REV P4, 0021 REV P3, 0022 REV P5, 0023 REV P4.

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

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

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

3) No development shall commence on site, including demolition and site clearance, until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features on and adjacent to the site not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective

fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) No development shall commence on site, until details and the specification of the 2m acoustic barrier as shown on plan PRA-MHA-00-ZZ-DR-A-0004 REV P15 has been submitted to and approved in writing by the Local Planning Authority. The details shall include the colour of the acoustic barrier. Once approved the acoustic barrier shall be implemented prior to the occupation of any dwelling. Once installed the barrier shall be maintained and fit for purpose in good repair in perpetuity.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life as a result of the new development. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission

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

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

6) Prior to the commencement of development, details and the specification of the 2m acoustic barrier as shown on plan PRA-MHA-00-ZZ-DR-A-0004 REV P15 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the colour of the acoustic barrier. Once approved the acoustic barrier shall be implemented prior to the occupation of any dwelling. Once installed the barrier shall be maintained and fit for purpose in good repair in perpetuity.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life as a result of the new development. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission

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

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

8) Before first occupation of any dwelling, the access, turning heads and associated visibility splays shall be implemented in accordance with approved plans 17140-040 P02 and 041 P03 and thereafter retained clear of obstruction.

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

9) Before first occupation of each dwelling, the parking and turning arrangements for that dwelling shall be provided in accordance with the approved plan PRA-MHA-00-ZZ-DR-A-0004 REV P15 and thereafter retained clear of obstruction.

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

10) Prior to the occupation of each dwelling 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.

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

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

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

The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

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

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

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garages as shown on approved plan PRA-MHA-00-ZZ-DR-A-0004 REV P15 shall not be used for any purpose other than as a private and domestic garage for the parking of cars incidental to the enjoyment of the associated dwelling house. The garages shall have an internal dimension of 6m x 3m.

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

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 and E; of Part 1 Schedule 2 shall be erected or made on properties shown as plots 11, 12, 13, 14 and 15-22 on site layout PRA-MHA-00-ZZ-DR-A-0004 REV P15 without a grant of planning permission.

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

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

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

16) The development, hereby permitted, shall be carried out in complete accordance with the noise mitigation measures as set out in Updated Noise Impact Assessment Technical Report: R7018-1 Rev 3 by 24 Acoustics (dated 14 September 2017) unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

1. 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). 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.

2. Your attention is also drawn to the conditions imposed on the outline planning permission reference APP/L3815/W/15/3138439 (14/03827/OUT) and dated 26 May 2017.

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

Parish: Chichester	Ward: Chichester North
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CC/16/03791/OUT

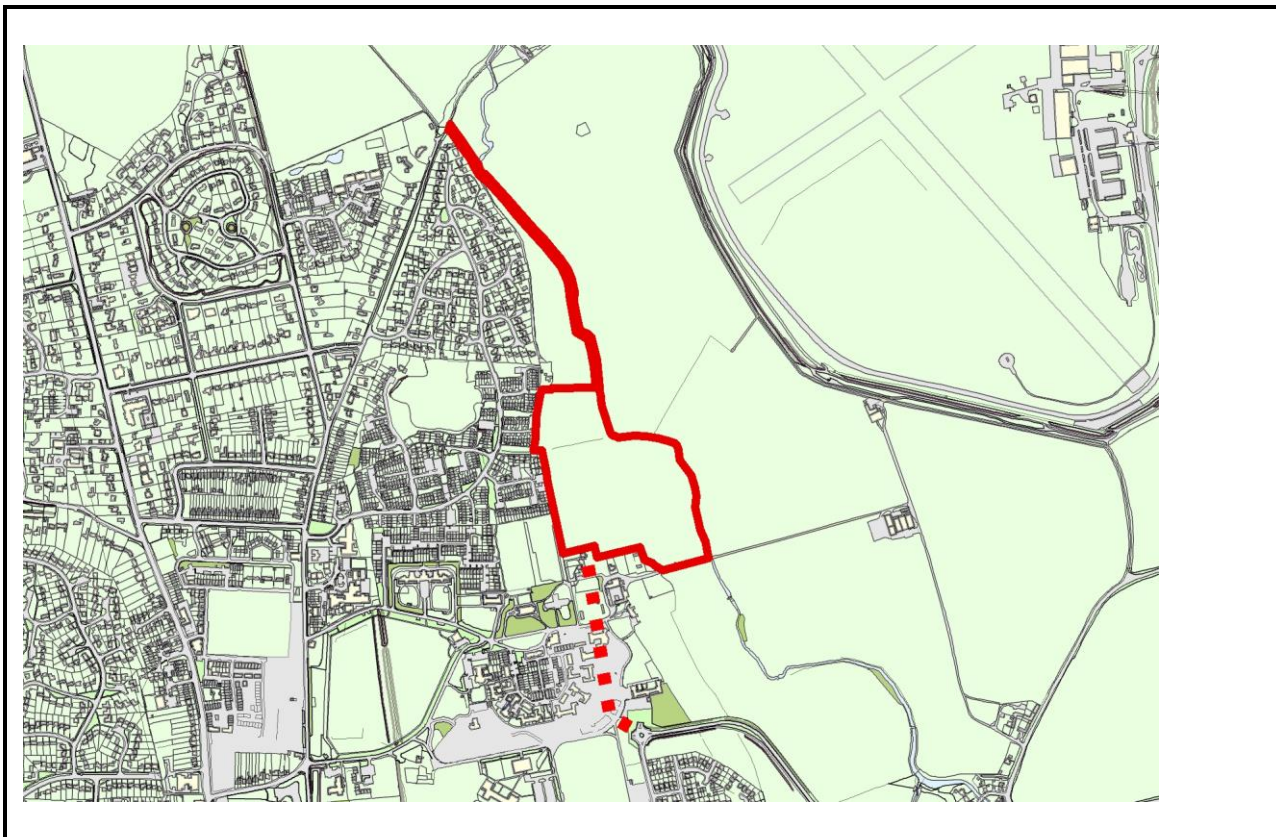
Proposal Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell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

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

Map Ref (E) 486954 (N) 106194

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

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

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

2.0 The Site and Surroundings

- 2.1 The site forms the northern part of the Westhampnett/North East Chichester strategic housing allocation detailed in policy 17 of the Chichester Local Plan. This is a substantial land allocation subject to various environmental constraints which limit the extent of land that can be developed for housing. There are two areas for the housing elements of this 500 dwelling allocation within the strategic development location (SDL). Phase 1 is located to the far south east of the SDL between Stane Street and Madgwick Lane. That site obtained outline planning permission in June 2016 for up to 300 dwellings (WH/15/03524/OUTEIA). At the same time a separate outline planning permission (WH/15/03884/OUT) was granted for the provision of sports playing pitches in the central part of the SDL with a green infrastructure link comprising a new pedestrian/cycleway leading from Madgwick Lane to the playing pitches and onto the point where it meets the SE corner of the proposed Phase 2 development which is the subject of this current application.
- 2.2 The site forms part of an open river valley landscape and consists of a misshapen rectangular parcel of arable land of approximately 8.826 hectares situated on the north eastern boundary of the built up area of Chichester, east of the neighbourhood of Summersdale and the new development taking place within the grounds of the former Graylingwell hospital to the south-west. The site includes a narrow ribbon of land following the west side of the river which extends north to the point where it meets the unmade section of Fordwater Road - this land is proposed to form part of the Lavant Valley Linear Greenspace and is within Flood Zone 3. Whilst the site is currently not included within the settlement boundary for Chichester, it forms Phase 2 of the Westhampnett / North East Chichester Strategic Development Area (SDL) and will become part of the city.
- 2.3 The site adjoins the existing 2-2.5 storey housing at Winterbourne Road from which it is separated by an overgrown boundary hedgerow formed of native species. There is very little vegetation within the site itself. A short section of hedgerow following an east-west alignment running down the slope appears to be a remnant boundary hedge and is isolated from the eastern and western edges of the site. There are a few isolated evergreen trees along the river edge. The majority of the site is within Flood Zone 1. A small area in the south-east corner is in Flood Zone 2 and a small part in the northern part of the site is in Flood Zone 3. No buildings are proposed to be located in these areas.
- 2.4 The prevailing landform for the site slopes down from west to east and the site is bounded to the east by the River Lavant. Across the river valley to the north-east of the site is the Goodwood Motor Racing Circuit (GMRC) and Aerodrome. A well-established public bridleway - Stocks Lane - follows the outer perimeter of the GMRC linking Madgwick Lane to the south-east (and Phase 1 of the SDL) with New Road to the south of East Lavant. The application site is not currently accessible from the existing highway network.

3.0 The Proposal

- 3.1 This application is for a development of up to 200 dwellings (including affordable dwellings), associated landscaping and open space, a Lavant Valley Linear Greenspace, surface water attenuation and ancillary works. The application is submitted in outline form, with all matters reserved for consideration as part of a later application albeit vehicular access is to be taken from Phase 4 of the adjacent Graylingwell Park development.
- 3.2 As well as the application site boundary (shown in red on the application plans) and the other land in control of the applicant (shown in blue), a set of three parameter plans (Land Use/Access and Movement Plan, Density Plan and Building Heights Plan) have been prepared which establish an envelope within which the future detailed proposals will be brought forward. The parameter plans are intended to be flexible enough to allow the detailed design to be reserved for subsequent approval, whilst defining the key principles of the development in enough detail to allow the effects of the development on the environment to be assessed. In addition to the parameter plans a suite of illustrative plans have also been submitted providing further details to demonstrate how the site could be developed. These include an illustrative framework plan, an illustrative proving layout and an illustrative open space and green infrastructure plan.
- 3.3 The parameter plans and illustrative documentation are designed to demonstrate a potential method of developing the site and to give the Local Planning Authority an assurance that it can be developed with an appropriate access at the density of development proposed whilst not having an unacceptable impact on the local and wider environment. The quantum of development and the principle of a vehicular access to the site through Graylingwell Park are the only matters for formal consideration at this stage but the parameter plans provide an additional broadbrush and unrefined layer of detail in terms of the intended density of housing, the building heights and access and movement patterns through any future layout. Officers consider that the general broad approach to the development shown on these parameter plans is flexible enough not to fetter a full and proper evaluation at the reserved matters stage. It is accepted that these plans are therefore a material consideration for the outline application and will form part of the decision. The Committee may recall that the same approach was taken regarding the parameter plans submitted in respect of the application for Phase 1 of the SDL.
- 3.4 The submission of the 'illustrative' sketch plans add a further more prescriptive layer of detail to the proposals which is considered to be outwith the scope of an outline application where all matters are reserved. The 3 sketch plans provide an Illustrative Framework Plan; an Illustrative Proving Layout; and an Illustrative Open Space and Green Infrastructure plan. At this outline stage the sketch plans are therefore not a material consideration but are for illustrative purposes only. It is not proposed that they are formally approved as part of the outline planning application.

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

Housing

- 3.6 The development proposes a range of types and sizes of units, including 30% affordable housing. The application seeks permission for up to 200 dwellings but the mix and layout are not subject to detailed consideration at this stage. Officers consider that the illustrative proving layout provides enough flexibility to accommodate the full 200 dwellings, especially as the illustrative mix currently includes too many larger dwellings. In relation to affordable housing, the 30% policy requirement for the full 200 homes would result in 60 affordable and 140 market dwellings. The applicant has identified that the affordable dwellings will be pepper potted throughout the site and be externally indistinguishable from the market units in form and appearance. Although the appearance of the dwellings is a reserved matter for future determination the Design and Access Statement suggests a traditional design approach and detailing and a palette of materials based on a selection of local examples. Suggested materials comprise locally sourced bricks, flint and render and predominantly plain roof tiles with some slate. The building heights parameter plan shows development ranging from 2 storeys at the outer eastern edge of the site rising to a maximum 3 storeys adjacent to the permitted housing development at Phase 4 Graylingwell Park. The Design and Access Statement proposes a development that will comprise a series of 9 'character areas' across the site where the design, density, building heights, architectural language and materials will vary to reflect the architectural vernacular of north-east Chichester and Summersdale. In terms of density the submitted Illustrative Density Analysis Plan shows a proposed density of housing graded from 45 dwellings per hectare (dph) where the site adjoins the existing settlement edge at Chichester to 30dph through a central zone with the outer edge looking onto the open countryside to the east at 20dph.

Access

- 3.7 'Access' to the site is a reserved matter but the application makes it clear inter alia through the parameter plans and Transport Assessment that the proposed development will be accessed from a single point of vehicular access which will be taken through the Phase 4 development of 160 dwellings at Graylingwell Park which is currently being developed.
- 3.8 In addition the Land Use Access and Movement parameter plan also includes a number of potential pedestrian/cycle access points which link the site to the existing residential development in Chichester to the west, however the applicant has confirmed that the detailed matters to be considered under "access" exclude pedestrian/cycle access. These will be informed by the subsequent detailed layout to be considered at the reserved matters stage.

Car parking provision

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

Open space and Landscaping

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

Equipped Play Space

Required	0.065ha
Proposed	0.066ha

Amenity Open Space

Required	0.215ha
Proposed	0.286ha - includes a more central green located illustratively within the housing layout and fingers of open space following the retained east-west hedgerow on the site and the indicative internal roads shown on the Parameter land use/access and movement plan.

Natural/Semi-Natural Green Space

Required	0.431ha
Proposed	1.565ha - A belt of natural/semi-natural green space on the eastern boundary of the proposed housing ranging in width from approximately 66m at its widest point towards the south end of the site to a narrow point of approximately 10m. This is shown as accommodating 2 areas of allotments, an area of equipped play space and indicative SuDS (total SuDS area 0.37ha shown as 4 x detention basins and 1 x conveyance basin) and associated swales which are shown separately on the Illustrative Framework Plan.

Allotments

Required	0.172ha
Proposed	0.176ha

Parks, Sport and Recreation Grounds

Required	0.689ha
Proposed	- A second sports football playing pitch (and cricket pitch) to be provided as part of the new playing fields permitted under 15/03884/OUT.

Lavant Valley Linear Greenspace

- 3.11 An extension of the Lavant Valley Linear Greenspace, is proposed to the north of the application site, on the west side of the River Lavant comprising a belt approximately 10-15 m wide of open amenity space. In accordance with the approved masterplan for development of the NE Chichester SDL as a whole, the Lavant Valley Linear Greenspace will link to the publicly accessible footpath and cycleway approved under outline planning permission 15/03884/OUT for the playing fields and green infrastructure at phase 1. Taken together, phase 1 and phase 2 as a result of the SDL will deliver a new continuous cycle and footpath link between Madwick Lane and Fordwater Road.
- 3.12 In terms of landscaping, the illustrative open space and green infrastructure plan indicates areas of informal new tree planting along the banks of the river and around the site perimeter adjoining the phase 4 Graylingwell development together with retention and improvement of the existing hedgeline in these areas and where necessary new hedge planting. North-South avenues of formal tree planting are also proposed which follow the indicative line of internal streets.

Drainage

- 3.13 In terms of surface water drainage it is proposed that the site will adopt the principle of utilising a SuDS. Infiltration to ground is the preferred method of drainage and further site ground investigations will ascertain how effective this can be on this site. Wholesale infiltration may not be possible because of the ground conditions but could form part of the overall strategy. The parameter and illustrative plans submitted with the application show a series of interlinked detention basins and a conveyance basin on the eastern boundary of the site adjacent to the River Lavant. These basins will be designed to manage surface water run off from the development and to cope with storm discharges during the 1 in 100 year plus climate change event storm (modelled for 40% climate change including peak rainfall intensity).
- 3.14 In terms of foul drainage the proposed strategy relies on the approved strategy for phase 1 which is a pumped solution to Tangmere WwTW. The phase 1 sewer infrastructure which comprises an upgrade to the existing Stane Street sewer will make allowance for the future phase 2 development (this application) to accommodate the additional foul flows. At the time of preparing this report, information to discharge the foul drainage condition on the outline planning permission for the phase 1 proposals had not been submitted. Whilst the stated intention for phase 1 will be an upgrade to the Stane Street sewer, there is a possibility that phase 1 might alternatively utilize the new strategic sewer infrastructure leading to Tangmere WwTW that is to be provided as part of the West of Chichester SDL.

4.0 History

17/00206/EIA

EIANR

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

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

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

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

6.2 Lavant Parish Council

Lavant Parish Council notes that within the above application is a proposal to bring a cyclepath and footpath to the northern end of the Fordwater Road carriage way in Chichester. LPC supports initiatives to encourage non-motorized access to the National Park, but from this point going north there are no cycle paths only footpaths 3044 and 459.

This proposal will encourage cyclists to ride on unsuitable footpaths causing damage, and, because of the narrowness of the paths in places, will come into conflict with walkers.

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

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

6.3 Chichester Harbour Conservancy

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

6.4 Environment Agency

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

6.5 Southern Water

Initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The wastewater discharged from the proposed development will be drained to Southern Water's Tangmere Wastewater Treatment Works. The plant currently does not have the capacity to accommodate flows from the proposed development. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, adequate wastewater treatment facilities exist to effectively drain the development. The development will be dependent on the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards. The current Southern Water investment scheme to upgrade the existing Tangmere Wastewater Treatment Works in order to deliver additional treatment capacity is currently under construction.

6.6 Highways England

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

6.7 Natural England

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

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

6.8 WSSC - Highways

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

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

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

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

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

Sustainable Access - Local bus services are the No. 50 (stops within nearby Graylingwell Park) and the No. 600 (stops on or close to Broyle Road). No. 700 (Stagecoach Coastliner) and other services can be found in Chichester City Centre - approximately 15-20 minutes-walk away.

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

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

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

6.9 WSCC - Flood Risk Management

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

6.10 CDC - Drainage Engineer

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

6.11 CDC - Environmental Health Officer (Noise)

Original Comments

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

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

A 50 to 55dB threshold value represents the World Health Organisation guideline for the onset of moderate to significant community annoyance and is based on exposure throughout the whole day.

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

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

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

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

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

A specific condition is recommended controlling the detailed design of the proposed dwellings in terms of sound insulation against external noise and in terms of the laying out of the garden areas and any balconies.

Additional/Amended Comments

There is some acknowledgement in the current local plan to permit development within the 400 metre buffer of Goodwood Motor Circuit (GMC) and Goodwood Aerodrome (GA). A small portion of the land which is the subject of this application lies within the 400m buffer zone referred to in the Local Plan, where the developer is seeking to utilise the available land to the west of the River Lavant. The leading edge of the closest properties are at 370m and unlikely to result in noise exposure different to that measured by the noise assessment at measurement position CJ3 (360m). The current layout of the development shows the nearest houses to the GMC are facing east with gardens behind. Some flexibility by encroachment of 30m within the 400m buffer zone may be considered acceptable in this case. We recognise that the layout of the runways of GA will not mean that any of the development is directly over flown by departing and arriving fixed wing aircraft.

***We do not wish to object to this application* but consider that the prevailing acoustic environment ought to be taken into consideration and appropriate adaptation made to the development to protect the future occupiers should permission be granted. Conditions are recommended in this regard.**

6.12 CDC - Environmental Health (Land Contamination)

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

6.13 CDC Housing Enabling Officer

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

6.14 CDC Archaeology Officer

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

6.15 CDC - Environmental Strategy Officer

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

6.16 CDC - Conservation and Design Manager

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

6.17 SDNP - Link Officer

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

6.18 Hampshire CC - Landscape Consultant for CDC

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

The development needs to provide space for planting forest sized trees on an east-west axis as well providing adequate space for the proposed north-south planting. The impact of lighting within the development also needs to be considered further.

6.19 15 Third Party Objections

Permanent loss of prime agricultural land and green belt.

The proposed development is on a floodplain.

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

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

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

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

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

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

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

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

Chichester cannot cope with the extra traffic.

Development has inadequate access through Graylingwell.

Does not plan for a proper soft green edge to the development.

Goodwood Motor Circuit Consultative Committee – regard the 400m buffer as striking an effective balance between the needs of running an important commercial operation which provides a substantial economic contribution to Chichester and on the other hand the concerns of local residents.

6.20 Applicant/Agent's Supporting Information

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

7.0 Planning Policy

The Development Plan

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 7: Masterplanning Strategic Development
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 10: Chichester City Development Principles
Policy 13: Chichester City Transport Strategy
Policy 17: Westhampnett/North East Chichester Strategic Development Location
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation
Annex A: Green Infrastructure

National Policy and Guidance

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

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

*For decision-taking this means unless material considerations indicate otherwise:
- Approving development proposals that accord with the development plan without delay; and*

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

- 7.4 Consideration should also be given to paragraphs including 6-13 (sustainability principles) 17 (core planning principles), 32, 34- 39 (transport), 42 (communications infrastructure), 47-50, 52 (housing), 56-66 (design), 69-70, 73, 75 (healthy communities), 96, 99-101, 103 (climate change), 109, 113, 115, 118, 123-125 (natural environment), 128, 129, 131-135, 141 (historic environment), 159, 162, 165, 169-171, 173-177 (evidence base), Decision Taking, and Annex 1.
- 7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:
- SDL Planning Concept Statement
Planning Obligations and Affordable Housing SPD (January 2016)
Adopted Surface Water and Foul Drainage SPD (September 2016)
- 7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
 - Support communities to meet their own housing needs
 - Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated

- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

This report was published as part of the April 2017 Planning Committee Agenda but was not considered by members at that meeting because of an issue with regard to vehicular access to and from the site via the nearest publicly adopted highway at Kingsmead Avenue. ‘Access’ remains a ‘reserved matter’ and the applicant is not therefore required to show the final, detailed means of access as part of this application. Officers have nevertheless requested confirmation that arrangements are in place to ensure that the application site can be satisfactorily accessed and served from the public highway. Officers are now in receipt of a letter from the solicitors acting for the developer of the adjoining Graylingwell Park development (Linden/Downland Graylingwell LLP) which essentially confirms that there is an existing legal agreement in place between the interested parties to provide access to and from the application site and the public highway at Kingsmead Avenue for vehicles, pedestrians and cyclists. Officers are satisfied that this correspondence provides the certainty required for the application to proceed to a decision. The Committee is advised that the plan accompanying this report shows with a broken line the approximate position of the intended future vehicular access.

8.1 The main issues arising from this proposal are:

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

Assessment

1. Principle of housing development in this location

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

- 8.3 Policy 17 allocates the SDL for mixed development, comprising 500 homes, community facilities, and open space and green infrastructure, including a linear greenspace with public access along the Lavant Valley. Policy 17 states that development will be masterplanned in accordance with Local Plan Policy 7 (Masterplanning Strategic Development), taking account of a number of site-specific requirements which are listed in the policy. These include the requirement that development will be directed towards the settlement of Westhampnett, to the south of Madgwick Lane (the area covered by the extant outline permission), and to the eastern edge of Chichester, but away from the floodplain of the River Lavant (this application).
- 8.4 The Council has adopted a Concept Statement for the Westhampnett/NE Chichester SDL which sets the parameters for the masterplanning work, setting out key objectives and planning considerations as recommended in the Council's approved Design Protocol. The Concept Statement for the SDL identifies the parcel of land, the subject of this application, as one of two areas for housing development. The Concept Statement anticipates that this site is to be developed for approximately 150 homes including 30% affordable housing.
- 8.5 With the reduction in Phase 1 from the originally proposed 350 homes to the now permitted 300 homes, the overall balance to be made up in the 500 dwelling SDL allocation is 200 dwellings rather than the 150 in the Concept Statement. However, subsequent to the Concept Statement, a masterplan and phasing plan has been developed for the whole SDL. This demonstrates how the provision of 500 homes will be delivered across the two sites identified within the SDL with 300 at the Phase 1 site and 200 at the Phase 2 site. Members will recall that both the Site Wide Masterplan and Phasing Plan for the SDL were endorsed by the Planning Committee on 2 February 2016.
- 8.6 The principle of housing on this site can therefore be supported, subject to compliance with the comprehensive masterplan document for the SDL and the site specific criteria outlined in policy 17, including that the scheme is well integrated with NE Chichester, has green links to the SDNP, is designed with special regard to the landscape sensitivity of the site and to reduce the noise from Goodwood motor circuit and aerodrome, includes new structural planting; comprehensive surface water drainage; new and improved pedestrian and cycle routes linking the site to Chichester city and the SDNP and mitigation measures for potential off-site traffic impacts.

2. Capacity of site to accommodate this level of development

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

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

Housing

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

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

8.11 Although the housing mix will be defined at reserved matters stage, the illustrative proving layout (combined affordable and market mix) has been provided for illustrative purposes at this stage. The indicative mix shown on the illustrative proving layout details a total of 200 dwellings.

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

- 8.12 The Illustrative Density Analysis Plan repeats the Density Parameter Plan but has been additionally annotated to show a range of proposed densities across the site. The average density overall is 31dph which equates well with the Local Plan where a density of 35dph is considered broadly appropriate on most sites (LP paragraph 17.6 page 158). The densities are expressed on the parameter plan as north to south bands of development. These range from a low of 20dph (27 units) for a swathe of development along the outer eastern boundary and 30dph (88 units) for the central section of the site. The highest density levels of 45dph (85 units) are located on the elevated western part of the site adjacent to the proposed development at phase 4 Graylingwell Park and the existing development at Winterbourne Road. The approach regarding density is acceptable to officers as it will ensure that the development respects the landscape sensitivities of the site and will help establish the development within its surroundings. As proposed, the lowest densities and therefore the loosest pattern of development would be located adjacent to the more sensitive boundaries, this being the area of urban/rural transition from the developed part of Chichester to the countryside. The highest densities comprising the tallest buildings are adjacent to the west boundary and would be read against the existing backcloth of housing within the settlement boundary of Chichester including the 3.5 storey flatted development approved in phase 4 Graylingwell Park.
- 8.13 Although 'scale' is a reserved matter, the Building Heights parameter plan suggests a development of predominantly 2 to 2.5 storey dwellings which is commensurate with the existing scale of development in Summersdale. The masterplan strategy is for the building heights to gradually step down in scale at half storey intervals as you pass down the slope from S/SW to E/NE. The Building Heights parameter plan therefore shows the tallest buildings (up to 3 storeys) comprising apartment blocks located on part of the southern and western edge of the development adjoining phase 4 Graylingwell Park (where 3-3.5 storey buildings have been approved) and Winterbourne Road, then a 3-2.5 storey transition zone and then development restricted to 2 storeys at the eastern/north eastern edge of the site where it adjoins the River Lavant. In general terms, the approach outlined on the parameter plan with regard to the heights of the

proposed dwellings reflects that proposed on the density parameter plans. It is considered that the development in this form is acceptable and will respect the landscape sensitivities of the site and its surroundings.

Open Space and Landscaping

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

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

- 8.15 The application's wider transport impacts, specifically on the trunk road network, were evaluated in detail during the preparation of the Local Plan. Within this application, Highways England has raised no objections to the development, subject to a financial contribution towards the A27 Chichester Bypass junction improvements. This would be secured by way of the S106 Agreement which would require the applicant to enter into a S278 agreement with Highways England. In terms of the additional traffic movements that would be generated by the development, the modelling based on the Chichester Area Transport Model (CATM) reveals 66 two-way vehicle trips in the AM Peak (08:00-09:00) and 70 two-way vehicle trips in the PM Peak (17:00-18:00). Assessment of the development has looked at the different off site scenarios and junction modelling in terms of all other committed schemes in the locality for the period 2018-21 analysing lengths of queues and anticipated delays based on the CATM and concluded that overall the above figures are representative and acceptable.
- 8.16 The transport sustainability of the site was also explored in detail through the Local Plan preparation and adoption process. Chichester city centre and the range of services and facilities it provides are highly accessible being within a 25 minute walk or a 10 minute cycle ride. The bus stops close to the site at Graylingwell Park also provide greater transport choice.
- 8.17 In summary on this issue and with reference to NPPF paragraph 32, taking account of the site specific mitigation measures proposed (the footways and cycle links and the travel plan), it is considered that this development would not result in a severe residual cumulative impact. No technical objections have been raised by Highways England or WSCC as the local highway authority. The development would need to contribute through CIL towards measures listed within policy 13 of the Local Plan. This would include improvements towards the Westhampnett Road mini roundabouts and the Chichester to Tangmere cycle route. The development

would also be required to implement a travel plan to encourage the use of alternative transport modes. The proposal therefore complies with the relevant criteria of policies 13, 17 and 39 of the Local Plan.

4. Foul drainage

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

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

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

5. Surface water management

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

8.22 The proposed surface water drainage strategy in the Flood Risk Assessment confirms the site naturally has a shallow gradient falling generally in a south easterly direction. The SuDS features are therefore logically positioned in a line along the eastern boundary with the River Lavant, with a conveyance basin in the south-east corner. The final drainage design will be required to be informed by a full hydrological and hydrogeological assessment taking climate change into account. The Council's Drainage Officer has advised that infiltration methods must be prioritised and where infiltration is not possible, then discharge to a watercourse could be acceptable at no greater than greenfield levels. This is recommended to be covered by condition, as is the agreement of a detailed management and maintenance schedule.

- 8.23 The illustrative drainage plan shows the SuDS detention basins stretched out and linked in a line at the eastern site margin and occupying the majority of the green space and perimeter planting area. The final size and configuration will depend on the results of the monitoring and final design. The SuDS detention basins may have the capacity to function as informal open space if the gradients of the basin are suitably shallow (i.e. 1:3 as indicated), and water is not held in this location for an extended period. The lowest point of the basin therefore needs to be higher than the peak groundwater level.
- 8.24 The assessment to date on the principles of surface water management has identified that all built development will be located in flood zone 1, with space available on site to enable SuDS methods to be used as a priority. The final detailed design will be expected to demonstrate there will be no risk of flooding either on site or in the surrounding area. The proposal in this regard complies with Local Plan policy 42 and section 11 of the NPPF and is acceptable.

6. Landscape and visual impact

- 8.25 Policy 17 (bullet 4) of the Local Plan requires that development should be designed with special regard to the sensitivity of the site, especially in terms of views towards and from the South Downs National Park. It also seeks major new structural planting to soften the impact of development on views from the north and around the Motor Circuit/Aerodrome. Local Plan policies 33, 47 and 48 and Appendix A also refer to landscape matters. National level policy context is provided in the NPPF and the English National Parks and the Broads: UK Government Vision and Circular 2010. The application is supported by a Landscape and Visual Impact assessment prepared by Tyler Grange.
- 8.26 The application is supported by the SDL masterplan and SDL phasing plan. As the principle of the allocation and the wider landscape impacts of the development in broad terms have been assessed through the Local Plan process, this assessment relates to the impacts anticipated from the application development itself, based on the submitted parameter and illustrative plans.
- 8.27 'Landscaping' remains a reserved matter on this application so the submitted details shown on the parameter plans and illustrative open space and green infrastructure plan together with the Tyler Grange report are not submitted for approval at this stage although it is recommended that the fundamental principles they establish be carried through to the reserved matters stage by condition. The Design and Access Statement identifies a Landscape Strategy for the development. Integrating a new development of 200 homes visually with the existing settlement at Chichester on a prominent sloping site which already has a well defined green edge and without it appearing unduly prominent is challenging. The applicant has approached this on a number of fronts. The first approach has been to work with the contours of the site by introducing formal lines of tree planting following the N-S route of roads within the site as they traverse the slope. The intention is that over time the lines of these trees and their crowns in particular will create a terracing or layering effect, breaking up the development's built form as it rises from the River Lavant to meet the higher ground at Graylingwell.

- 8.28 The second approach indicated on the parameter plan is to introduce informal tree planting along the line of the River Lavant. The intention here is not to create a continuous line of planting in an attempt to hide the development but to break up and soften the overall built form in the same way that the formal street planting proposes. It is also relevant that the eastern edge of the development is proposed with dwellings which face out towards the River Lavant rather than backing onto it in order to provide an attractive development edge that comprises well designed, high quality dwellings set behind a vegetated linear green space. The third approach which Tyler Grange recommends in its supplementary supporting note is the gapping up of the strongly vegetated Stocks Lane bridleway bordering the Goodwood Motor Racing Circuit (GMRC). The existing hedgerow along Stocks Lane is continuous but for occasional gaps from which the site is currently seen against the adjoining backdrop of the settlement edge of Chichester with Graylingwell Tower a feature in the view and the open arable Lavant valley landscape in the foreground. The gapping up with native species hedgerow maintained at above head height as existing will provide a continuous screen (save for the field gate access) containing views. A short section of Fordwater Road adjacent to the river at the north end of the site is also to be planted up with hedgerow again to restrict more distant views from this aspect. Crucially both the above areas to be infilled with new hedgerow planting are within the 'blue' land on the application i.e. land within the applicants control and the Council can therefore impose appropriate conditions to mitigate the landscape impacts of the development.
- 8.29 The Landscape Visual Impact Assessment (LVIA) produced by the applicant has been assessed by Hampshire County Council landscape services (HCC) as consultants on behalf of CDC. HCC comment that whilst there are areas in the LVIA which are agreed, the disagreement generally relates to the rating of the landscape quality/sensitivity which HCC consider is more sensitive. However, HCC recognise that this opinion must be balanced against the fact that the Council has allocated the land for development. In terms of the wider landscape impact from hill tops within the SDNP at St Roches Hill, Halnaker Windmill and The Trundle officers are of the opinion that the intervening distance of 4-6km effectively flattens out the landscape impact to the extent that the rooftops of the development will appear assimilated into the existing backcloth of the city.
- 8.30 The proposal shown on the Building Heights Parameter Plan locates the tallest and highest density properties on the highest ground. Whilst there would appear to be an urban design logic in locating the highest density development adjacent to the existing city edge, and reducing the density as it moves outwards towards the rural edge, there is a potential dilemma with this approach on this particular site in that the tallest buildings may become more prominent. It is relevant to note however that the Graylingwell Phase 4 reserved matters application increased building heights when compared to the 2009 outline application to which it was pursuant by proposing areas of 3 and 4 storey development adjacent to the Westhampnett / North East Chichester SDL Phase 2 Site. This was because it was evident that this part of Graylingwell would no longer be the edge of the settlement as was originally thought in 2009 and that it was therefore appropriate for development which is more urban in nature given the context of the adjacent SDL site which would in turn provide a new transition to the rural edge.

Officers consider that an appropriate transition of height and density should be established through the SDL Phase 2 site by setting the parameters of the development out as proposed. On balance therefore, it is considered that the focus of development of greater height (up to 3 storeys) and density (up to 45dph) in this area grading out to lower height (up to 2 storeys) and density (up to 20dph) along the eastern boundary is acceptable in principle.

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

7. Heritage

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

8.33 The retained water tower at Graylingwell though not individually listed is nevertheless a heritage asset which is visible from a significant distance including vantage points in the SDNP, signposting as it does this part of the City. By placing the tallest buildings on the proposed development on the highest ground there could be potential for the watertower's prominence to be undermined.

However it should be noted that the tallest buildings on the development at 3 storeys are proposed to be located adjacent to the tallest 3.5 storey buildings in phase 4 and so will not compete with or impact on external views any more so than the form of development that has already been approved. The Watertower in any event remains taller than all the permitted and proposed apartment blocks and it is considered that its significance when viewed from the SDNP to the north will not be compromised.

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

8. Noise impact

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

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

8.37 The current illustrative layout of the development shows the nearest houses to the GMRC are facing east with gardens behind. The EH officer's view is that as the noise is most likely to affect persons outdoors then the built form of the housing will afford a barrier to the propagation of noise and reduce the noise experienced by persons in their garden areas. The Council's EH officer has advised that some flexibility by encroachment of 30m within the 400m buffer zone as proposed may therefore be considered acceptable in this case. In terms of the noise impact overall the EH officer identifies that the noise levels from Category 1 Historic

Racing events on 5 days per year will be much more noticeable and will result in a degree of disturbance to some residents but that this is a legacy of previous planning decisions which is noisy and already affects residents further afield. The conclusion of the EH officer is that the final design and orientation of any residential property must be of the highest standard to counteract some of these noise realities and modelling uncertainties. The objective of the design process must be a building envelope that provides a good standard of internal noise mitigation in order to avoid significant annoyance. A specific condition is therefore recommended controlling the detailed design of the proposed dwellings in terms of sound insulation against external noise during the day and night in bedrooms and living rooms.

8.38 In conclusion on this issue, the acoustic impacts of a residential development of up to 200 dwellings on this site have been carefully considered by the Council's EH officer. It is acknowledged that in respect of the 5 days of Historic Racing Events there will be a negative impact on residential amenity but that this is an accepted impact in planning terms which extends far beyond the application site. For the majority of the site for most of the time the noise impact will be within WHO accepted guidelines. Importantly there is no demonstrable case that a 30 metre incursion inside the 400 metre noise zone by approximately 15 dwellings as indicated on the illustrative proving layout for the majority of the year would be unacceptable in amenity terms. The impacts of the particular development detail in terms of the layout and form of dwellings will be reviewed through the reserved matters application(s) and it is expected that the development will be designed and delivered through the specific noise conditions proposed on this application. On this basis, the development is considered to comply with Local Plan policy 17 and NPPF paragraph 124. Construction noise can be controlled by condition.

9. Open space/green infrastructure

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

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

8.41 The proposed delivery of 200 dwellings generates a requirement for around 0.689ha of sport and recreation facilities. For this application this will be in the form of playing pitches, a sports pavilion and associated parking. The Committee will be aware that outline planning permission CC/15/03884/OUT has already secured the provision of a new sports playing field south of the application site of a size sufficient to provide 2 no. football playing pitches with an overlapping cricket pitch

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

8.42 Bullet points 3 and 6 of Local Plan policy 17 emphasise the importance of providing green links to the SDNP. With the proposed provision of the Lavant Valley Linear Greenspace through this application site and the green infrastructure route to be delivered as part of the playing fields permission WH/15/03884/OUT this objective can be met. A continuous new PROW link for both pedestrians and cyclists following the line of the river will be provided from Madgwick Lane north along the river valley to Fordwater Road. This will provide residents of both phase 1 and phase 2 of the SDL with a new recreational route through to the South Downs. To provide continued connectivity for cyclists beyond Fordwater Road to the SDNP PROW network via East Lavant there would need to be an upgrade to one of the two existing footpaths to bridleway status (either footpath 459 [more likely] or possibly 3044). Such a proposal is strongly supported by WSCC and by the South Downs National Park Authority and is identified in Local Plan Appendix A (A.53; Map A.7 and Map A.9) as a 'desired' connection. Initial costs estimates for this work indicate a sum of approximately £100,000 and in this regard a contribution of £50,000 has been requested from the applicant towards the overall costs of these works which the applicant has agreed to in principle. An obligation in this regard will be included in the S.106 agreement. The green infrastructure elements of policy 17 in this regard are considered to be successfully addressed by the proposals.

10. Ecology

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

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

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

11. Socio-economic impacts

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

8.47 In combination with the phase 1 proposals which will deliver community facility provision and the separate playing fields permission, together with the highway infrastructure upgrades and green infrastructure links delivered through both phase 1 and phase 2 to ensure transport capacity, it is considered that there will be tangible benefits of delivering this scheme in socio-economic terms, which will assist in achieving the objectives of the Chichester Local Plan.

12. Other matters

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

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

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

Significant Conditions

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

Community Infrastructure Levy (CIL)

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

S106 Agreement

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

- 30% Affordable Housing - Agreement will specify the requirement to deliver 30% affordable housing on site and include a clause to require a further S106 to be entered into at the first reserved matters application stage to confirm the details of the tenure, size, mix and management and if required a commuted sum for any part unit in the same way as for Phase 1.

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

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

Conclusion

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

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

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

Human Rights

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

- plans showing the layout and extent of the buffer zone;
- details of the proposed planting scheme;
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and bodies responsible for ongoing management as part of a detailed management plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11) Prior to the commencement of the development, details showing the proposed location, installation and ongoing maintenance of 6 (six) fire hydrants (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

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

The fire hydrant(s) shall thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The F&RS Act 2004.

Note:

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

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

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

Note: The lighting scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for Environmental Zone – E2; as shown below:

- Sky Glow ULR [Max %] 2.5;
- Light Intrusion (into windows) Ev [lux] pre-curfew 5;
- Light Intrusion (into windows) Ev [lux] post-curfew 1;
- Luminaire Intensity in candelas pre-curfew 7500;
- Luminaire Intensity in candelas post-curfew 500;
- Building Luminance Pre-curfew, Average, L [cd/m²] 5;

The curfew is 23.00 Hours;

The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development.

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

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

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

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

15) No development shall take place unless and until a site specific Environmental Construction Management Plan comprising a schedule of works and accompanying plans has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- Details of street sweeping;
- construction working times including delivery times;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).

- Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- Evidence of consultation with neighbours prior to works commencing and procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.
- A Section 59 Agreement (only if HGV construction vehicle numbers exceed 20 per-day throughout course of development).
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council's Environmental Management Team, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays
08 00 and 13 00 Hours on Saturdays and;
at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Chichester District Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

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

16) No development shall commence on any phase until full details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA and be supported by percolation testing to BRE 365, or similar approved. Winter groundwater monitoring to establish highest annual ground water levels will be required to be undertaken prior to the submission of details under this condition to support the design of any infiltration drainage.

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

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

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

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

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

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

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

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

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

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (1) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (2) above. The building hereby permitted shall not be occupied unless and until approval is granted for this Verification Report.

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

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

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

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

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

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

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

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

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

21) Development shall not commence on a phase until full details of how that phase of the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To comply with policies 8, 9, 33 and 39 of the Chichester Local Plan. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

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

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

23) Before construction commences of the superstructure of any dwelling hereby permitted a scheme for the protection of the development from external noise shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved scheme and maintained in perpetuity thereafter.

The scheme shall ensure that as a minimum the following limits are not exceeded in any of the corresponding locations upon completion of the development:

Location	Noise Index	Limit (dBA)
Bedroom	Day LAeq,16h	35
	Night LAeq, 8h	30
	Night LAmax, F	45
Living Rm	Day LAeq, 16h	35

Day refers to the period 07:00 to 23:00

Night refers to the period 23:00 to 07:00

The scheme shall include plans, drawings and a description of the site, the mitigation measures, the building construction and layouts and specific measures for each property to ensure that the limits set out above are not exceeded.

Reason: To protect the health and wellbeing of occupants from any significant adverse impacts due to noise in the environment.

NOTE:

The means by which the developer will achieve the above limits is at their discretion but it is expected that they will include, although not exclusively, any individual or combination of measures of:

- (i) Barriers to obstruct the transmission pathway;
- (ii) Appropriate site design and layout;
- (iii) Choice of building materials and building elements resistant to the passage of sound for the source in question;
- (iv) Appropriate building layout so that the sensitive rooms face away from the noisy façade;
- (v) Use of acoustically insulated glazing with acoustic ventilators.

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

Reason - To encourage and promote sustainable transport.

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

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

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

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

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

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

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

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

Reason: In the interests of road safety.

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

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

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

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

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

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

INFORMATIVES

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

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

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

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD, 0300 0600300, enquiries@naturalengland.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August) or ensure an ecologist is present on site and has checked the site within 24 hours of any works.

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

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

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

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

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

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

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

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

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

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

12) The applicant is advised that in relation to condition 4, the development is partially located within Fluvial Flood Zones 3 and 3 at the site's eastern boundary with the River Lavant. These extents indicate land with a high (1 in 100 year) and medium (1 in 1000 year) probability of flooding from the River Lavant. The submitted information demonstrates that dwellings can be located outside areas of fluvial flood risk, including an allowance for the impacts of climate change and the risks associated with a potential blockage downstream culvert. This demonstrates that a sequential approach has been taken. The assessment and mitigation measures in the submitted FRA area based on proposals to locate all dwellings within Flood Zone 1 and therefore outside of the design flood (1 in 100 year) and extreme flood (1 in 100 year) extents. This is an adequate assessment subject to development being implemented as described in the FRA and indicative masterplans i.e. all built development within Flood Zone 1.

For further information on this application please contact Jeremy Bushell 01243 534734.

Parish: Chichester	Ward: Chichester North
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CC/17/01988/FUL; CC/17/01989/LBC; CC/17/02160/ADV

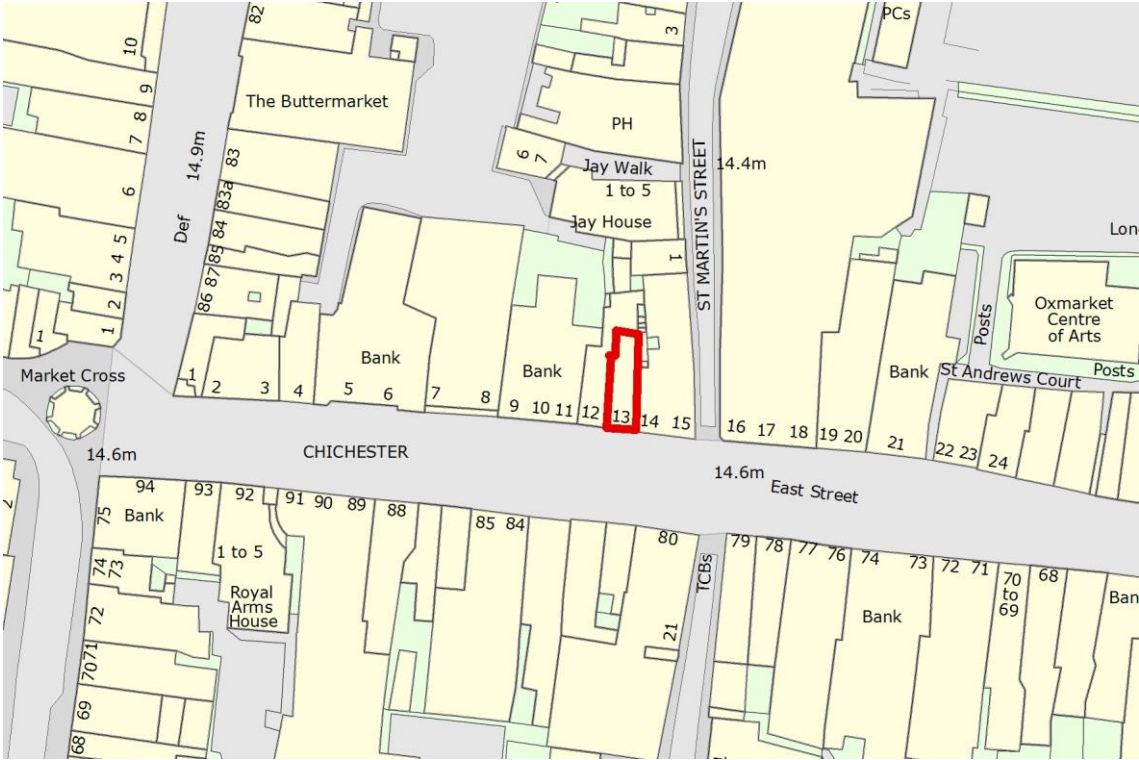
Proposal Shop front retained and modified, new double leaf doors finishing flush and decorated white. Internal works. New signage.


Site 13 East Street Chichester PO19 1HE

Map Ref (E) 486153 (N) 104826

Applicant Mr Ian Rowland

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is situated on the northern side of East Street, one of the principal shopping streets within Chichester City Centre and the City's Conservation Area. The building occupying the site is a Grade II Listed early C19 building with an A1 retail unit at ground floor level. The building features a simple non-historic shopfront with a central recessed entranceway, kickboard and 2 no. display windows either side of the central entranceway. The ground floor shopfront is not a historic shopfront, having been replaced prior to the building being listed.

3.0 The Proposal

3.1 This applications for Planning Permission and Listed Building consent seek permission to retain and alter the existing shopfront by way of removing the recessed entrance and installing new timber framed double leaf doors in line with the existing shopfront windows. The shopfront would be finished decorated with a cream/white paint for the most part with the outer frame of the windows proposed to be painted red.

3.2 Internally the proposal includes the removal of 2 sections of partition walling on the ground floor, the installation of new shop fittings and ceiling finishes to the ground floor and the installation of a sink in a staff area at the rear of the building. In addition racking would be provided within a first floor store area and the interior of the building would be redecorated.

3.3 The application for Advertisement Consent seeks consent for the installation of non-illuminated signage comprising individual acrylic lettering with a black and red finish attached to the existing white fascia board. The lettering would project 10mm from the fascia board.

3.4 The submitted plans indicate the installation of a freestanding TV behind the window display. The provision of the TV would not require listed building consent, as the works would not materially affect the character of the listed building, and it would not require advertisement consent because if it were used to display an advert it would have deemed consent due to the advert being displayed within the building.

4.0 History

97/01288/FUL	PER	Removal of existing shopfront and fascia. Installation of new timber shopfront, pilasters, awning blind and air conditioning condensers.
97/01289/LBC	PER	Removal of existing shopfront and shop fixtures. Installation of a new shopfront of timber, non-illuminated sign, retractable awning blind, shop fixtures and air conditioning condensers to the rear. Internal Alterations.

97/01290/ADV	PER	Fascia sign (non-illuminated).
06/00127/ADV	PER	Non-illuminated individual letters on to Fascia.
06/00132/LBC	PER	Removal of old signage, painting of the shop frontage, replacement of signage with individual letters on to the existing fascia panel.
08/01093/LBC	PER	Internal - Replacement of ceiling (suspended tiles) with new (like for like), replacement of vinyl floor finishes with new, installation of new AC unit (replacement of existing) and decoration works. External - Adapt entrance to form ramped lobby and decorate timberwork.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Objection - Objection on the basis that the proposal would be detrimental to the character and appearance of the Conservation Area and the listed building. Signage should be more in keeping with the streetscene.

6.2 CCAAC

Objection - The raise lettering and lack of street number are non-compliant with CD shop-frontage guidance. The committee also considers the sloping fascia board is out of proportion with the rest of the frontage.

6.3 CDC Historic Buildings Advisor

No objection - This application would benefit from existing and proposed sections of the shop front showing the applied lettering and details of the 'fascia' - more detailed than drawing 150617/010.5 included with 17/02160/ADV. A hand-painted sign would represent an improvement to the listed building.

Whilst this may be the intention of this application (as suggested by drawing 150617/010.5 in the ADV) it would need to be confirmed through more detailed sections within this application. The lobby is a modern introduction; as such the proposed doors are acceptable.

7.0 Planning Policy

The Development Plan

The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans.

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 47: Heritage and Design

National Policy and Guidance

7.2 Government planning policy comprises the National Planning Policy Framework (NPPF). 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. This means unless material considerations indicate otherwise development proposals that accord with the development plan should be approved without delay.

7.3 Consideration should also be given to paragraph 17 (Core Planning Principles), together with Sections 7 and 12 generally.

Other Local Policy and Guidance

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

- CDC Shopfront and Advertisement Design: A Guidance Note
- CDC Chichester City Conservation Area Character Appraisal
- CDC External Alterations to Listed Buildings in Chichester District Development Advice Note

7.5 Consideration should also be given to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, as amended.

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 considerations for each application to which this report relates are different. For example, for the planning application to alter the shop front the main considerations are the principle of development, the impact of the proposal upon visual amenity and the character of the conservation area, and the impact upon the special historic and architectural importance of the listed building. In respect of the application for listed building consent for the proposed signage and alterations to the listed building the main consideration is the impact upon the historic and architectural importance of the listed building. Finally, in respect of the application for advertisement consent for the proposed signage the main considerations are, in accordance with the advert regulations, the impact upon amenity and public safety.

8.2 The main considerations taking all applications together are:

- i. Principle of Development
- ii. Impact upon amenity and the character and appearance of the conservation area
- iii. Impact upon the listed building
- iv. Impact upon public safety

- i. Principle of Development

8.3 The application site is occupied by a retail unit within the city centre where alterations to buildings, including shopfronts and advertisements are generally acceptable in principle, subject to being of an acceptable design and the impact of the proposal upon heritage assets, visual amenity and the character of the conservation area. The proposed development and works are therefore acceptable in principle, subject to the consideration of the matters addressed below.

- ii. Impact upon amenity and the character of the Conservation Area

8.4 S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving or enhancing the character of that area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive

contribution to local character and distinctiveness. Furthermore, policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets.

- 8.5 The proposed alterations to the shop front would constitute a relatively modest alteration to the existing shopfront including the movement of the doors from their current recessed position to being flush with the existing windows in the shopfront. In addition, small timber inserts would be added to the upper outside corner of each window to create a curved frame around the top of the windows which would be painted red. The existing angled fascia board and detailing on the shopfront would be retained as existing with the shopfront being painted a white or cream colour (full details to be agreed via a condition). The shopfront would retain its traditional appearance with timber stool riser, window frames and fascia board, with the detailing on the proposed doors designed to reflect the detailing on the existing shopfront.
- 8.6 The proposed signage would comprise 10m lettering attached directly to the existing fascia sign. Historically, when the property was occupied by Thornton's, attached lettering of a similar depth and design was attached to the fascia, and this was permitted in 2006 taking into account the modern nature of the shopfront and signage that existed at the time on the building. The proposed built up lettering 10m in depth, in a dark colour, would not appear obtrusive within the streetscene or the wider conservation area, and would also not constitute a significant change within the streetscene given the design and appearance of the previous signage on the property. It is therefore considered that the proposed signage would not appear incongruous on the shopfront and would not detract from the visual amenity of the streetscene and it would therefore preserve the character of the conservation area.
- 8.7 For the reasons set out above it is considered that the proposed alterations to the frontage of the building would not detract from the visual amenity of the host building or the surrounding area, and the proposal would preserve the character of the conservation area. The proposal would therefore meet the requirements of policy 47 in this respect.

iii. Impact upon the listed building

- 8.8 S.66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policy 47 of the Local Plan and Section 12 of the NPPF, as explained in paragraph 8.3 are also relevant to the consideration of the impact upon the listed building.
- 8.9 The application building comprises a grade II listed building. The existing shopfront is a 20th Century addition to the building, and as such alterations to the shopfront and the attachment of letters on the existing fascia board would not affect historic fabric. The alterations to the shopfront would be relatively modest and the proposed signage would be similar to the previous fascia sign on the building and not overly large or incongruous. It is therefore considered that the proposed works to the shopfront and the installation of replacement signage would not detract from the special architectural character of the listed building.

- 8.10 The proposed internal alterations of removing partition walls at ground floor level, the installation of a new hand wash basin and replacing ceiling finishes would not affect the historic fabric of the listed building given its historic use as a retail unit and the resultant changes to the interior of the shop over time. Other works including the installation of new shop fittings to the ground floor, the installation of racking to the first floor store and the redecoration of walls would also not be harmful to the special historic and architectural character of the listed building as they would not remove historic fabric and would be temporary alterations to the building.
- 8.11 Concern has been raised by the City Council and the CCAAC regarding the alterations to the shopfront, however the Council's Historic Buildings Advisors (HBA) have confirmed that they have no objections to the proposals given the history of the shop front and the building. The HBA comments that hand painted signage would be preferable as an improvement to the existing building; however it is considered that it would not be reasonable to refuse the current application for signage that would have no greater impact upon the listed building than the previous signage on the fascia.
- 8.12 For the reasons set out above it is therefore considered that the proposed internal alterations, the alterations to the shopfront and the proposed signage would not detract from the special historic or architectural merit of the building and would not cause harm to the significance of the listed building. The proposal therefore complies with policy 47 and the NPPF in this respect.

iv. Impact upon public safety

- 8.13 The proposed signage would be situated on the existing fascia board above the shopfront and therefore would not pose a threat to public safety.

Conclusion:

- 8.14 Based on the above assessment it is considered that the proposed signage, alterations to the shopfront and internal alterations to the building would not have an adverse impact upon the amenity of the site and its surroundings, it would preserve the character of the conservation area and the special architectural and historic character of the listed building and would not pose a risk in respect of public safety. It is therefore considered that the proposal complies with the development plan policies and the National Planning Policy Framework and the applications for planning permission, listed building consent and advertisement consent are all recommended for approval.

Human Rights

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

RECOMMENDATION (CC/17/017988/FUL)

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans;

150617/002.4 REV B LOCATION PLAN (A3)

150617/002.5 REV C BLOCK PLAN (A3)

150617/009 REV C PROPOSED SHOPFRONT ELEVATIONS (A3)

150617/009.2 PROPOSED SHOPFRONT SIGNAGE SECTION

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

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

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

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 requested to ensure that the fascia sign to these premises includes the street number of the property no.19.

RECOMMENDATION (CC/17/017989/LBC)

PERMIT subject to the following conditions and informatives:-

1) The works hereby granted listed building consent 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 works hereby permitted shall not be carried out other than in accordance with the approved plans;

150617/002.4 REV B LOCATION PLAN (A3)

150617/002.5 REV C BLOCK PLAN (A3)

150617/009 REV C PROPOSED SHOPFRONT ELEVATIONS (A3)

150617/009.2 PROPOSED SHOPFRONT SIGNAGE SECTION

150617/002.8 REV C DEMOLITION PLAN (A3)

150617/005.1 REV C PROPOSED FIXTURE LAYOUT PLAN - GROUND (A...

150617/005.2 REV C PROPOSED FIXTURE LAYOUT PLAN - FIRST (A3...

150617/005.3 REV C PROPOSED FIXTURE LAYOUT PLAN - SECOND (A

150617/006 REV C PROPOSED RETAIL REFLECTED CEILING PLAN (...

150617/007.1 REV C PROPOSED FINISHED PLAN - GROUND (A3)

150617/007.2 REV C PROPOSED FINISHED PLAN - FIRST (A3)

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

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

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

4) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building

INFORMATIVES

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

RECOMMENDATION (CC/17/02160/ADV)

PERMIT subject to the following conditions and informatives:-

- 1) The works associated with the display of the advertisement(s) hereby permitted shall not be carried out other than in accordance with the approved plans:
150617/002.4 REV B LOCATION PLAN (A3)
150617/002.5 REV C BLOCK PLAN (A3)
150617/009 REV C PROPOSED SHOPFRONT ELEVATIONS (A3)
150617/009.2 PROPOSED SHOPFRONT SIGNAGE SECTION

Reason: For clarity and in the interest of proper planning.

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

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

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 requested to ensure that the fascia sign to these premises includes the street number of the property no.19.

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

Parish: Earnley	Ward: East Wittering
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E/17/02376/FUL

Proposal Replacement of existing agricultural glass around the outside edges of the roof of the building with Azura Blue tinted, toughened self-cleaning glass.

Site Dragon Nursery Third Avenue Batchmere West Sussex

Map Ref (E) 482364 (N) 97923

Applicant Mr & Mrs C Durant

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site comprises an L shape parcel of land located in a backland position to the rear of a dwelling known as Dragon Cottage, Third Avenue in the rural parish of Earnley. It is located to the western end of Third Avenue, to the north of the road, with access achieved from a private drive, to the west of the residential dwelling.
- 2.2 The building subject to this application is a former horticultural glass house to the north of the residential dwelling, which under application E/15/00473/ELD was found to be lawful for storage purposes. A subsequent application E/15/04244/PA3P was allowed under the prior approval change of use process for conversion of the storage glasshouse into a residential C3 use, under Part 3 Class P of the General Permitted Development Order 2015.
- 2.3 The glasshouse comprises of 6 bays, with a height of 3.3m, length 27m and a width of 19.2m which narrows to 9.2m at its northern extremity. There is an entrance door to the east elevation. A mature hedge screens the site from the large commercial nursery to the north and west. To the south a boundary wall and hedging screen the site from the neighbouring property 122 Third Avenue and Dragon Cottage.

3.0 The Proposal

- 3.1 This application follows the prior approval application E/15/04244/PA3P which has allowed prior approval for the change of use of the glasshouse to residential. As the Town and Country Planning (General Permitted Development) Order 2015 deals only with the change of use of the building, separate consent is required for any external changes that may be required to facilitate the change of use. This application seeks to replace the existing glazing to the glasshouse with Azura Blue tinted toughened self-cleaning glass. The existing glazing bars, ridge beam and gutter clips would be reused.

4.0 History

15/00473/ELD	PER	Use of land & part of glasshouse to rear of Dragon Cottage for storage.
15/03562/PA3P	PPREQ	Part 3 Class P application for prior approval - Proposed change of use of B8 storage building to 1 no. dwelling.
15/04244/PA3P	YESPAP	Part 3 Class P application for prior approval - Proposed change of use of B8 storage building to 1 no. dwelling.
16/01459/FUL	REF	Erection of 1 no. custom/self build dwelling -

Alternative to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P.

16/02914/FUL

REF

Erection of 1 no. custom/self build dwelling - Replicating change of use to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P but with false pitch roof and roof lanterns.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Parish Council**

Earnley Parish Council planning committee have reviewed this application and wish to object on the following grounds:

1. The application to alter the appearance of the Glass House is against the intent of the regulation for permissive conversion.
2. The application will result in an increasing appearance of urbanisation in a rural area in contravention of the NPPF.

6.2 **Applicant/Agent's Supporting Information**

Reason for Change:

It is the self-cleaning property of the glass for ease of maintenance and to cut down future costs. We can replace with clear self-cleaning glass but prefer to use the tint of blue option to make a more pleasant environment - from the manufacturer's brochure - Highest light transmittance of the range allows light in and absorbs up to 68% of the sun's heat; Attractive blue tint filters light and reduces glare by over 52%; Reduces the bleaching effect of the sun by blocking 86% of the (damaging) sun's UV rays (of importance to us because of Mr Durrant's sensitivity to rays due to his leukaemia.

Fitting:

The thickness of the new glass is identical to that of the existing at 6mm.

The existing glazing bars and ridge beam have a slot in them to allow a material of 6mm to be slotted in - I have shown these in the photographs below. This means that one can start from one end of the building and replace sheet by sheet as they move along the greenhouse.

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 Earnley at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 41: Off-site Renewable Energy

Policy 45: Development in the Countryside

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

Policy 48: Natural Environment

Policy 49: Biodiversity

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

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), 56, 58, 60, 61, of the National Planning Policy Framework (NPPF)

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact on visual appearance and character of the area
- iii. Other Matters

Assessment

i) Principle of development

8.2 The glasshouse subject to this application has consent (15/04244/PA3P) under Part 3 Class P of the General Permitted Development Order 2015 for the conversion of the glasshouse to C3 residential use. This part of the Use Class Order refers only to the change of use and any external works to facilitate the change of use would require a planning application. As such the principle of the use of the glasshouse for residential purposes has already been established.

8.3 With regard to the external works proposed the application seeks 'replacement of existing agricultural glass around outside edges of the roof of the building with Azura Blue tinted, toughened self-cleaning glass'. No other works are proposed. The central portion of the glasshouse glazing is to remain, whereby the internal alterations would apply a false ceiling to facilitate the residential use. Internal alterations which would not affect the external appearance of the building do not require planning permission as they would not constitute development in the meaning of s55 of the Town and Country Planning Act 1990. As such providing the ceiling is installed so as not to result in change externally to the building, this would not require planning permission. Overall, if the application can demonstrate the requirement for a change in the glazing and subject to material considerations as set out below, upgrading of existing glazing would be acceptable in principle.

ii) Impact on visual appearance and character of the area

8.4 As set out in 8.3 above, the application is only for the replacement of sections of glazing on the glasshouse with Azura Blue tinted toughened self-cleaning glass. The blue tint to the glazing creates a more pleasant environment internally, allowing for absorption of up to 68% of the sun heats and reduces glare by over 25%. Furthermore it would block 86% of the suns UV rays, which the agent advises is particularly important due to the applicant's sensitivity to the rays due to his leukaemia. This is why the applicants have chosen the tinted glass over the clear glazing.

- 8.5 The glazing thickness would remain the same as the existing glazing, which would enable the existing glazing bars, ridge beam and gutter clips to be reused. This subsequently would ensure the structure of the glasshouse would remain as existing and as such the proposal would not warrant the rebuilding of the structure, and the permitted conversion of the building could be implemented. The blue tinted glass would result in a visual change to the appearance of the glasshouse, however the retention of the existing frames combined with the slope of the roof and the glazing still being transparent, it is not considered that this visual change would be detrimental to the host building or the visual appearance and character of the area.
- 8.6 Furthermore, the glasshouse is set back from the road 60m, this set back, combined with the extensions to the main residential dwelling, the mature high level boundary screening and the form of the glasshouse roof, results in very limited views from any public vantage points, which in turn mitigates against any harmful visual impacts on the wider area.
- 8.7 Overall it is considered that due to the limited views of the glasshouse from public vantage points, the retention of the existing frame and the use of transparent, albeit slightly tinted glass, would not result in significant visual harm to the character and appearance of the area. Therefore the proposal would accord with policy 48 of the CLP which seeks to ensure that proposals sensitively contribute to the local landscape setting and quality.

iii) Other Matters

- 8.8 The proposal seeks only operational development for the change to the glazing and no other works are proposed, as a result there would not be a need to amend any s106 agreement received for the Chichester and Langstone Harbour Recreational Disturbance. In addition no additional CIL charges would be applicable.

Conclusion

- 8.10 Based on the above assessment it is considered the proposal complies with development plan policies 33 and 48 which seek to ensure that development is in keeping with the character of an area and would not cause harm to the visual amenity and therefore the application is recommended for approval.

Human Rights

- 8.11 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: 1, 2, 3, 4A

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

3) The glazing hereby approved shall be the Bioclean Azura Blue Tinted Roof Glass as specified in the planning application documents, unless.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the rural locality.

INFORMATIVES

1) For the avoidance of doubt this application approves only the change to the glazing as specified in the application and any alterations or development affecting the external appearance of the glasshouse, would require a further grant of planning permission.

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

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

Agenda Item 9

Parish: Earnley	Ward: East Wittering
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E/17/02419/FUL

Proposal New external cladding, windows and doors. Replace profiled metal sheeting on roof with slate, replace flat roof over lean-to with pitched roof and insertion of conservation style rooflights (subsequent to notification application E/17/01489/PA3P).


Site 129A Third Avenue Almodington Earnley PO20 7LB

Map Ref (E) 482610 (N) 97741

Applicant Mr D Knight

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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the south of First Avenue, Almodington within the rural area and outside of any settlement boundary. First Avenue is surrounded on each side by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time, moving away from horticulture, although some remain in horticultural use. Many have been extended and, more recently, converted to dwellings under the Town and Country Planning (General Permitted Development) Order 2015, as amended. However, the road retains a spacious and informal rural character.
- 2.2 The existing building is single storey with a combination of a shallow pitched gable ended roofs to the main part of the building with a flat roof extension to the north elevation. The site is bounded by mature hedges and a solid gate to the northern boundary, a block wall with evergreen vegetation above to the east, and 1.8m fence panels to the south and west, where there is also a connection to surrounding land under the applicant's ownership.
- 2.3 The application building has been granted prior approval for the change of use of the existing building to a residential use under Part 3, Class P of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO). However, Class P does not allow for any alterations to the exterior of the building, which instead must be the subject of a planning application to assess the acceptability of the proposals.

3.0 The Proposal

- 3.1 The application seeks permission to alter the external appearance of the building to facilitate the approved change of use to a dwelling.
- 3.2 The proposed works would comprise of;
- cladding over the existing block walls with timber boarding,
 - the insertion of bedroom and bathroom windows to the east elevation,
 - the insertion of kitchen, utility and living room windows to the west elevation,
 - provision of a flat roof to the north elevation and a fixed full-length living room window on the south elevation,
 - the installation of 6 no. rooflights,
 - replacement of the existing profiled metal sheeting with slates, and
 - alterations to the roof to replace the an existing flat roof element with a pitched roof, lower but at the same pitch as the main roof of the building.

3.3 These proposals follow application E/17/01489/PA3P for which prior approval was required and approved, subject to conditions, the main structure and principle form of the building would remain as existing.

4.0 **History**

17/01489/PA3P YESPAP Part 3 Class P application for prior approval - Proposed change of use of B8 storage building to 1 no. dwelling.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Parish Council**

Earnley Parish Council planning committee have reviewed this application and object on the following grounds:

1. The application to alter the appearance of the shed is against the intent of the regulations for permissive conversion.
2. The application will result in an increasing appearance of urbanisation in a rural area in contravention of the NPPF.

7.0 **Planning Policy**

The Development Plan

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 8: Transport and Accessibility
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 and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

National Policy and Guidance

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

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

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

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and also section 4, 7, 10 and 11.

Other Local Policy and Guidance

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impact upon visual amenity and rural character
- iii. Impact upon the amenity of neighbouring properties

Assessment

i. Principle of the development

8.2 Prior approval has been given under Part 3 Class P of the GPDO for the change of use of the existing B8 storage building to a single dwelling. This establishes the change of use of the building, however any external alterations require planning permission in their own right.

8.3 The change of use of the building has been previously established, this application deals with the proposed changes to the external appearance of the building only and the appropriateness of the proposed alterations and impact upon the character of the locality and the amenity of neighbouring properties.

ii. Impact on visual amenity and rural character

8.4 The existing building is a simple block built form with windows and doors in the gable end walls at ground floor, windows in each flank wall and flat roof element to the north elevation. The building would be capable of conversion without significant structural alteration.

8.5 The design and appearance of the proposed changes are considered to be in keeping with the simple character of the existing building and an improvement is proposed by changing a small section of the subservient roof from a flat roof to pitch. No increase to the footprint is proposed and the changes would be commensurate with the existing size, scale, form and proportions of the building. The site is well screened to the northern boundary by high mature and well maintained vegetation and gates, resulting in few views of the site from the wider public realm.

8.6 The external materials and finishes are proposed to include slate roof tiles and timber cladding to the walls. This approach is considered to respect the character of the site and surroundings.

8.7 The Parish Council has raised an objection to what they consider to be the domestication of the building. The 'fall-back' position is that the building could be converted to a dwellinghouse without these alterations, however for the reasons set out above it is considered that the works would not have a detrimental impact upon the rural character of the site or the surroundings. The change of use allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015 would inevitably bring about a degree of domestication of the property; the changes proposed as part of this planning application would not, in the view of officers, exacerbate that change in nature.

8.8 It is considered that the changes proposed would result in a building with a very similar form and appearance to the existing and the additional openings are considered respectful of the rural character and quality of the site and surroundings. There are other residential properties nearby intertwined within the LSA plots and the building operations proposed in this case would not appear out of character in its context. Therefore, it is considered that the development would comply with NPPF sections 7 and 11, CLP policies 2, 33, 45 and 47.

iii. Impact on neighbouring amenities

8.9 The size and position of the plot and modest level of development being sought by this application would not result in harm to the living conditions and amenities of neighbouring properties. As a result of the dwelling is positioned centrally within the rectangular plot and the rooflights would be vaulted to the ground floor. No first floor accommodation is proposed. The application building is positioned approximately 7m from the eastern boundary and the distance between the properties in this direction would measure approximately 20m and these properties are in a flank to flank relationship. This neighbour has a mature high evergreen hedge to their side of the eastern boundary providing a substantial and well maintained screen. There are no neighbouring properties to the south and west and the land in this direction lies within the applicant's ownership. The narrow road lies to the north which is lined with mature hedges on each side of the road. Therefore it is considered that the development complies with paragraph 17 of the NPPF and policy 33 of the current CLP.

Conclusion

8.10 It is considered that the proposed works would be in keeping with the character of the existing building, noting that a permission is in place for its change of use to a dwelling through the provisions of the GPDO, would respect the character and quality of the site and surroundings and would not be detrimental to the amenity of neighbouring properties. The proposal accords with national and local planning policies and therefore, this application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informative:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1, 2, 3 and 05B.

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.

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

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

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

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

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

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

The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

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

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

Reason: In the interests of protecting the amenity of neighbours and the surrounding 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

Parish: Funtington	Ward: Funtington
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FU/16/04131/FUL

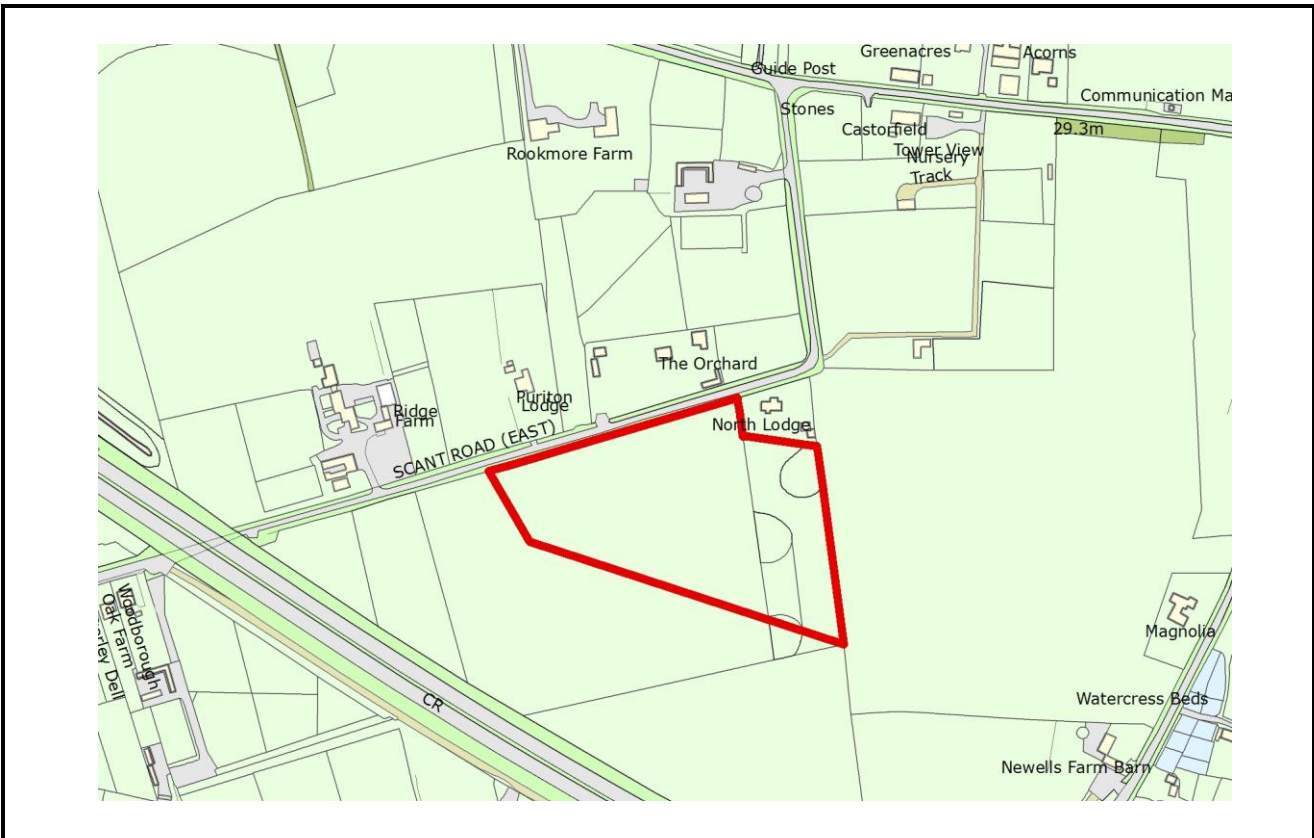
Proposal Erection of 8no. stable block rooms, 1 no. barn and 1 no. toilet and shower block. Hard standing stone finish self draining yard and 1 no. access gate.

Site Land West Of North Lodge Scant Road East Hambrook Funtington West Sussex

Map Ref (E) 479592 (N) 106759

Applicant Mr Albert Brazil

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 Site and Surroundings

- 2.1 The application site is situated in the rural area on the southern side of Scant Road East, in the Parish of Funtington. It comprises a parcel of agricultural land to the south of Scant Road East with a sparse boundary of trees and hedgerow separating the site from the road whilst the other boundaries comprise more densely planted trees and hedgerow. Access to the site has been provided, however the remainder of the proposed development had not commenced at the time of the site visit in August 2017.
- 2.3 The A27 is located to the south west of the site, and residential properties to the north and east. Within the rural area surrounding the application site there are a number of gypsy and travellers sites and also equestrian uses. The character of the site and its surroundings is therefore mixed, influenced by the range of uses and their associated structures, buildings and the use of land for the keeping of horses.

3.0 The Proposal

- 3.1 The proposal is to erect a stable block comprising 8 boxes to provide stabling and tack rooms, a separate storage barn, and a building containing toilet and shower facilities. In addition the proposal would include an area of hardstanding and a gated entrance. During the course of the application the applicant has confirmed that the proposed stables are required to breed horses.
- 3.2 The stable block proposed on the eastern side of the site would be a timber frame building with timber cladding to the elevations with a felt roof, measure approximately 27.6m (l) x 18.4m (w) (outer limits) x 4m (d). The eaves height of the block would be 2.7m with the ridge 4m high. A muck heap 4m x 4m in size would abut the stables.
- 3.3 The proposed steel framed barn to be situated on the western side of the site would measure approximately 7m (w) by 8m (d) x 3.2m (h) (to eaves) and 4.4m (to pitch). A 4m (d) x 4m (w) x 3.5m (h) shower and toilet block is proposed abutting the site's northern boundary, adjacent to the entrance gate.
- 3.4 The proposed hardstanding (stone chippings) would cover an area of 30m x 51m accessed via a 3m (w) by 6m (d) access/entrance way finished in a tarmac.

4.0 History

16/03256/FUL REF Erection of 12 no. stables, tack room, pole barn, toilet and showers, hardstanding, access gate and the addition of 3 no. mobile homes for gypsy/travellers

The following applications relate to the dwelling to the north of the application site known as The Orchard:

10/05655/ELD PER Use of The Orchard as a residential dwelling.

11/05336/FUL PER Removal of Condition 1 (personal permission) of a planning permission granted by The Secretary of State on appeal (Ref APP/C/88/L3815/15-28) dated 12 September 1991, to allow unrestricted occupation of "The Orchard".

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

30 January 2017

Funtington Parish Council objects to the above mentioned application on the following grounds:-

In para. 11 of the application it is stated that foul sewage is to be disposed of by cess pit whereas the applicant in his written statement refers to 2 x 4,500 litre septic tanks. The location of the proposed cess pit or septic tanks is not indicated on the application plans.

The volume of the proposed septic tanks is well in excess of that required for the proposed use and would be more appropriate provision for the three traveller pitches for which the applicant has previously applied for planning permission and which

have been refused. The housing/accommodation aspect has been taken out of this application - why is the proposed septic tank provision for 14 people?

The toilet and shower block floor plan shows 4 separate lavatories and 4 showers. In one of his written statements the applicant states that they will be used by the vets. Surely this provision is excessive and indicates an intention either to introduce other residential or business uses to the site.

There is no provision for onsite vehicle parking which would appear necessary if all the stabling were to be occupied. It appears that the intention is to create either a horse rearing business or a livery business, neither of which is appropriate in Scant Road East

It is stated at para.18 of the application that the total gross internal floor space is proposed to be 4.89 sq. metres. This is clearly wrong.

There is no need for this facility in a sparsely populated rural area. Scant Road East and its junction with West Ashling Road are inadequate to cope with the traffic likely to be attracted to a facility of this nature.

11 September 2017

I refer to the substituted planning application received on 16th August and repeat Funtington Parish Council's objections to the original application set out in my e-mail dated 30th January 2017 insofar as they are appropriate to the substitution.

6.2 Natural England

19 January 2017

No objection - our advice would be to carefully consider the onsite septic tank. We advise that the **Adopted Surface Water and Foul Drainage** Supplementary Planning Document is followed, specifically **section 10**.

24 August and 8 September 2017

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 19 January 2017. The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.3 WSSC Highways (summarised)

No objection raised, however visibility splays need to be included in the submitted drawings. If the splays are not achievable a speed survey would need to be undertaken to ensure the access is designed to the speed of the road at the very least, in the interests of Highway Safety.

6.4 CDC Drainage Engineer (summarised)

No objection, request made for details of the construction of all hardstanding and drainage to be submitted agreed by condition.

6.5 CDC Environmental Management (summarised)

No objection, comments received noting that in order to reduce air quality impacts at neighbouring properties during the construction phase (eg from dust), measures to reduce emissions should be taken. All waste arisings must be disposed of in accordance with relevant Waste Regulations and there should be no on-site burning of construction materials or stable wastes.

6.6 CDC Environmental Strategy (summarised)

No objection subject to conditions to manage impacts upon Bats, Hedgerows, Reptiles, and Great Crested Newts in accordance with the submitted Ecological Assessment.

6.7 Agents/Applicant's Supporting Information

A Letter dated 10 August 2017 confirms that further to the information submitted with the application;

- the proposal is to breed horses at the site. The stallion would be used to stud mares not kept at the stables or mares in other locations periodically and therefore it will be necessary to transfer horses by horse box on occasion.
- Staff would be employed to attend to the horses.
- Visits by vets and other professionals may be necessary
- On rare occasions it may be necessary for staff to be on site overnight should a horse fall sick or when foaling.
- Highway impact would be minimal and no parking on the highway or surrounding roads would be necessary.

6.8 5 letters of objection have been received concerning:

- a) There appears no reason given by the applicant for a stable yard of the size proposed
- b) The scale and mass of the development unjustified in this location
- c) The level of development appears to exceed the needs of the horses kept on site to date
- d) Although reduced in scale it would still represent excessive development in this location
- e) Fear of residential would be introduced to the site.
- f) The New access which has been installed does not have an appropriate culvert for the ditch to run freely - this will need to be address before the winter
- g) Considered as overdevelopment of the site
- h) if in the event of granting permission the land should be conditioned that the development shall only be used for the keeping of horses.
- i) The amount of development within the immediate area of greenfield sites is becoming detrimental to the local residents.

7.0 Planning Policy

The Development Plan.

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 39: Transport, Accessibility and Parking
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 55: Equestrian Development

National Policy and Guidance

- 7.3 Government planning policy comprises the National Planning Policy Framework (NPPF). 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. This means unless material considerations indicate otherwise development proposals that accord with the development plan should be approved without delay.
- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), together with sections 3, 7 and 11 generally.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of Development
- ii) Impact on landscape and character of the area
- iii) Impact on amenity of neighbouring properties
- iv) Highway Impact
- v) Drainage
- vi) Ecological Considerations

Assessment

i) Principle of Development

- 8.2 The site is located within the rural area and is designated countryside where new development is generally resisted unless in, accordance with policy 2 of the Chichester Local Plan (CLP), it meets the requirements of other policies within the Local Plan. Policy 55 of the CLP states that planning permission will be granted for equestrian related development where a range of criterion is met. In particular, equestrian development should only be permitted where; there is sufficient land for the number of horses, any new buildings would be appropriate to the number of horses to be kept, there would be minimal landscape impact, the proposal would not result in the loss of the most valuable agricultural land, there is a scheme for the management of the site i.e. lighting and waste management, the proposal would be compatible with its surroundings, it would not generate a need for a dwelling, and the site would be well linked, and not detrimental to, the bridleway network. Furthermore, permission should only be granted where it would not lead to the need for additional housing on the site.
- 8.3 The application site would be associated with an area of paddock of a sufficient size to support the keeping of 7 horses and it lies in an area which is characterised in part by equestrian uses. The area does not provide the most valuable or versatile agricultural land, and there is a good network of bridleways that would be accessible from the application site. It is therefore considered that the proposal meets the associated criterion of policy 55 which addresses these issues.
- 8.4 The applicant lives adjacent to the site at The Orchards, and it is considered that due to the proximity of the habitable accommodation to the application site, combined with the scale of the proposal and the number of horses that would be stabled, the proposal would not lead to the need for a further dwelling on the site. In the interests of ensuring that the operation of the equestrian enterprise remains connected to a resident of The Orchards, and thereby ensuring that there is no need for additional accommodation on the site in the future it is recommended that a condition be imposed requiring that the horses to be stabled on the site are only horses kept by an occupier of The Orchards.

8.5 Overall, it is considered that subject to the landscape impact of the proposal, and other material considerations such as highway safety, residential amenity and drainage, as addressed below, the proposed use creation of an equestrian enterprise in this location and the associated stabling and operational development would comply with policy 55 of the CLP and would therefore be acceptable in principle.

ii) Impact on landscape and the character of the area

8.6 The application site at present is an open parcel of agricultural land, with some sporadic trees and relatively dense hedges aligning the roadside. The hedge row and tree screen along Scant Road East is such that, whilst the proposed stables, barn and toilet block would be visible in places from Scant Road East, the structures would not appear overly dominant within the landscape when viewed from the adjacent highway.

Furthermore, due to the siting, scale and design of the proposed structures, which would be simple in their form and construction, the buildings would not appear to be out of keeping with the mixed rural character of the site and its surroundings.

8.7 The site would not be particularly visible from the wider rural area due to the location of the associated paddock land and its proximity to the A27 to the south west, and the lack of any public footpaths to the east or south. It is therefore considered that the proposed development would not cause harm to the landscape or the rural character of the surrounding area.

8.8 A post and rail fence and 5 bar gate is proposed at the new entrance to the site, and it is considered that this would be an appropriate form of boundary treatment in this location. The area of hardstanding proposed for the purposes of parking and turning, and a further area within the stable complex, would be appropriate to the scale of the proposed enterprise, and its visual impact would be mitigated by ensuring that the stone chippings are of an appropriate subtle colour in keeping with the rural context of the site. The proposed plans also indicate security lighting on the edge of the stable block, toilet block and barn. The lighting would comprise of external bulk head lights to a max of 60 watt bulb or LED equivalent. It is considered that in principle, subject to conditions requiring full details of the light, measures to mitigate light spillage and also restrictions on the hours that lights may be operated, lighting of this nature and in these positions would not be overly intrusive and are appropriate to the location of the site.

8.9 Policy 48 of the LP seeks to ensure that new development conserves and enhances the natural environment, seeking to ensure there are no adverse impacts on the tranquil and rural nature of the area, and that it respects and enhances the landscape character of the surrounding area. The use of the site for the keeping and breeding of horses would introduce a degree of activity to the site, which may not be there at present. However, in the context of the site being in relatively close proximity to residential and equestrian uses and taking into account the nature of the equestrian enterprise proposed, which would not include livery or riding school services for example, it is considered that the proposed development would be compatible with the surrounding uses, in accordance with policy 55 of the CLP, and would not be harmful to the rural character of the locality.

8.10 For the reasons set out above it is considered that the proposed development, in terms of its visual impact upon the landscape, would be of a satisfactory design and adequately screened to ensure that it would not have a detrimental impact upon the landscape or rural character of the surrounding area. Further, the nature of the use would not be harmful to the character of the locality. The proposal therefore complies with local and national planning policies in this respect.

iii) Impact on amenity of neighbouring properties

8.11 The proposed building would be positioned to the northwest corner of the site and would be serviced via the existing access which has been created. There are residential properties on Scant Road East, the nearest being on the northern side and set back from the road, however it is considered that the proposed development would be a sufficient distance from surrounding properties to ensure that the proposal would not have an adverse impact upon their amenity. The proposed development includes a muck heap adjacent to the stable block a condition is recommended to ensure that no waste is burned on the site and that appropriate measures are put in place to manage the disposal of waste in the interests of ensuring no odour nuisance would occur.

iv) Highway Impact

8.12 In respect of highway safety; the existing access would be utilised. The Highways Authority has no objection to the proposed development in principle, however they have requested that a plan be provided to demonstrate that the required visibility splays of 2.4m x 214m can be achieved. The applicant has been asked to provide this plan and an update will be provided to the Planning Committee regarding this issue. Due to the set back of the boundary from the edge of the carriageway, which is within the ownership of the applicant, it is considered that the required visibility splays could be achieved, and on this basis it is considered that the proposed development would benefit from a safe and adequate access in accordance with policy 39 of the CLP. It is also considered that due to the nature of the use and the likely traffic movements that would be associated with the use; including service vehicles for the disposal of the proposed septic tanks and horse boxes would be able to enter, turn and exit the site in a forward gear due to the amount of hardstanding proposed within the site, and would not be of a level that would be harmful to the highway network. The proposal is therefore acceptable in this respect of highway safety and the impact upon the highway network in accordance with policy 39 of the CLP.

v) Drainage

8.13 The additional surface water run off would be required to be managed within the site and not directed to a public sewer, watercourse or field drain. The proposal is to provide septic tanks to store the foul water from the proposed toilet and shower building and also from the proposed yard area of the stables where horses would be washed down. It is considered that given this would prevent the pollution of ground water and there is an absence of mains drainage serving the site this is an appropriate method of managing the foul and stable yard surface water drainage. It may be possible to drain the proposed area of hardstanding using sustainable methods of surface water drainage, full details of which would be required via a condition as requested by the Council's drainage engineer. It is therefore considered

that the proposed development would be acceptable in respect of the proposed means of drainage.

vi) Ecological Considerations

- 8.12 The Council's Environment Officer has confirmed that there is no objection to the proposed development subject to measures being put in place to mitigate the impact of lighting upon bats and also the impact of the development upon reptiles and great crested newts. In accordance with the suggested conditions to manage these issues it is considered that the proposal would not have an adverse impact upon biodiversity or ecology in accordance with policies 48 and 49 of the CLP.

Conclusion:

- 8.13 Based on the above assessment it is considered that the proposal would provide a suitable form of equestrian development in the rural area that would not result in harm to the character or appearance of the locality, the amenities of neighbours, highway safety, the environment or biodiversity. It is therefore considered that the proposal complies with the development plan policies and the National Planning Policy Framework and 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 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: AB/0916/001/REV 3 :DATED: 20.08.2017; AB/0916/002/REV 3 : DATED : 20.08.2017; Fencing plan : DATED : 20 Sep 2017; AB/0916/003/REV 3: DATED : 05.08.2017; AB/0916/004/REV 3: DATED : 05.08.2017 ; AB/0916/005/REV 3: DATED : 05.08.2017 ; Agr Building detail : DATED : 09.08.17.

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) and all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

only for security and safety,

(j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and

(k) waste management including prohibiting burning.

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

6) Nothing in this permission authorises the removal of hedgerow along the northern boundary of the site, the hedgerow shall be retained in perpetuity and **no development shall commence** on site, including demolition, until the existing hedgerow to be retained has been protected by a fence providing a landscape buffer in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the type and position of all protective fencing. The protective fencing shall be retained as approved during the construction period and the fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7) Prior to installation of the external lighting hereby permitted full details of the proposed design, including measures to mitigate the spillage of light, shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed either on the building or anywhere within the site other than as shown on the approved plans. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

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

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

8) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted Ecological Assessment; produced by Arbtech, and in accordance with the following measures;

- Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. And dead wood, or rubble piles should be dismantled by hand and relocated, and

- An ecological watching brief shall be put together for any vegetation removal. If a Great Crested Newt is found all works must stop immediately and Natural England consulted.

- Rubble/spoil should not be left onsite in suitable Great Crested Newt habitat areas.

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

9) No part of the development hereby permitted shall be first occupied until visibility splays of 2.4 metres by 215 metres have been provided at the proposed site vehicular access onto Scant Road East. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety

10) **No part of the development shall be first occupied** until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Scant Road East in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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.

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

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

12) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended the stables hereby permitted shall not be used for any purposes other than for the stabling of horses in connection with the keeping and breeding of horses by an occupier of The Orchards, Scant Road East, and the site shall not be used for any other commercial activities whatsoever including in connection with any form of livery or riding school uses.

Reason: In the interests of sustainability and to prevent the need for residential accommodation on the site to comply with policy 55 of the Chichester Local Plan.

13) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended the barn hereby permitted shall not be used for any purposes other than for storage in connection with the use of the land for the keeping and breeding of horses and for no other use whatsoever.

Reason: In the interests of amenity and sustainability, highway safety and to enable the Local Planning Authority to regulate and control the development.

14) In the event the stables, barn and toilet/shower block hereby permitted cease to be used for their stated purposes they shall within 3 months of the cessation of the use be demolished and all materials and resulting debris and all areas of hardstanding shall be permanently removed and the land returned to its current use and condition as pasture.

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

15) There shall be no on-site burning of construction materials or stable wastes at any time and prior to the first use of the stables hereby permitted a waste management plan shall be submitted and approved in writing by the Local Planning Authority. Thereafter the stables shall not be occupied other than in accordance with the approved waste management plan.

Reason: In the interests of protecting residential amenity.

INFORMATIVES:

- 1) 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.
- 2) 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.
- 3) All waste arising must be disposed of in accordance with relevant Waste Regulations

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

Parish: Hunston	Ward: Sidlesham
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HN/17/01301/ADV



Proposal 1 no. non-illuminated temporary hoarding sign.

Site Brook Lea Selsey Road Hunston Chichester West Sussex PO20 1NR

Map Ref (E) 486348 (N) 102152

Applicant Mr Edward Rees

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

Hunston Parish Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The site is located within the settlement boundary of Hunston and within a developed area. The site is presently being developed for 5 dwellings replacing a single dwelling on a large plot. The new development is now nearing completion and in all cases the main elements of the new dwellings are complete. The new dwellings are set away from the access to the site, the closest being approximately 8.5m away from the B2145 Selsey Road. The development is now being actively marketed for sale.
- 2.2 The site is surrounded by existing development which is residential in character, except on the north-west side where it adjoins the Chichester Canal. It is located on the west side of the B2145 Selsey Road from which it derives access by means of what was the existing access point for the original dwelling.
- 2.3 The site is within an Area of Special Control under Regulation 20, The Town & Country Planning (Control of Advertisements) (England) Regulations 2007. There are no other designations relevant to the application in the vicinity of the proposed advertisement.

3.0 The Proposal

- 3.1 At the time of application for advertisement consent, the sign the subject of this application had not been displayed. However, the sign is now being displayed and as such this application now seeks retrospective advertisement consent for its continued display. During the course of the application a revised application drawing has been received relating to the accurate sign location, since the originally submitted drawing showed the location (inaccurately) as being closer to the edge of highway than it is.
- 3.2 The sign is located on the north side of the access to the development on the corner of the junction with the B2145 Selsey Road. The sign is a non-illuminated board sign measuring 2m by 2m and is supported by 2 posts which raise the bottom of it slightly above ground level by approximately 10cm (0.1m). The overall height of the sign is therefore 2.1m. The sign faces southwards and is therefore visible to northbound traffic and pedestrians approaching the site entrance.
- 3.3 In terms of content, the sign is split into 3 horizontal fields. The top field is approximately 0.65m deep and on a dark blue background contains the name of the development in white lettering, 'The Waterbank'. Above this is a logo/graphic which is reminiscent of grass/reeds and this is also in white. Beneath is a location, 'Chichester, West Sussex'. The central field is approximately 0.85m deep and contains a coloured computer generated rendering of the development when complete. The lowest field is approximately 0.5m deep and contains the developers name and logo and the sales agents name on each side of centrally located contact details.

3.4 The sign is located outside of the northern visibility splay at the site access point and is set back from the edge of the highway by approximately 2.6m at its closest edge. The location of the sign has been accurately measured on site. The sign is set parallel to an existing 1.8m wooden panel fence which is located at the edge of Summer Cottage to the north of the site access. The sign is slightly higher than the top of this fence.

4.0 History

16/00856/OUT	WDN	Redevelopment of the site for 7 no. dwellings and associated works.
16/00857/OUT	PER106	Redevelopment of the site for 5 no. dwellings and associated works.
16/02672/REM	PER	Appearance and landscaping.
17/00314/FUL	PER	Construction of 5 no. dwellings and associated works (minor amendment to outline planning permission 16/00856/OUT and associated reserved matters 16/02672/REM).
16/00856/OUT	WDN	Redevelopment of the site for 7 no. dwellings and associated works.
16/00857/OUT	PER106	Redevelopment of the site for 5 no. dwellings and associated works.
16/02672/REM	PER	Appearance and landscaping.
17/00314/FUL	PER	Construction of 5 no. dwellings and associated works (minor amendment to outline planning permission 16/00856/OUT and associated reserved matters 16/02672/REM).
17/01985/FUL	WDN	Removal of condition 8 from permission HN/17/00314/FUL.
17/02423/FUL	REF	Variation of condition 8 of permission HN/17/00314/FUL. Omit the post and rail fence and amend plan.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Hunston Parish Council objects on the following grounds:

The proposed hoarding by way of its mass and height would be a dangerous distraction to road users.

The proposed hoarding is misleading as it promotes the development under the name of The Waterbank, the name of the development is Brook Lea as approved by the Parish Council.

The County Council had stated that the formation of the visibility splays will require the setting back of a fence north of the access, forming the boundary to Summer Cottage. These splays have not yet been complied with and the hoarding should not be erected until this has been rectified. The County Council also required that 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. This proposed advertising hoarding would sit at its highest point some 3m high which is contrary to the County Councils guidelines.

6.2 WSSC Strategic Planning

WSSC Highways raises no objection to the sign. This is located outside any visibility splay and the publicly maintained highway, and as such should have no adverse impacts upon highway users.

6.3 Third Party Comments

1 letter of objection from a resident to the south of and adjoining the site has been received concerning:

- a) this sign is totally unnecessary,
- b) far too large and an eye sore in the village.
- c) A small discrete sign in line with others used in the village would be more appropriate.

- d) I object to the use of a photograph that has a picture of my property and myself in it, which would indicate my support of this project which I most definitely do not. Neither the applicant or the Estate agent have approached me for a property release (my property is clearly identifiable) or model release for this photograph and can therefore not legally use it. In this knowledge the Council would be culpable in an illegal act if they let this sign go ahead.

Applicant/Agent's Supporting Information

The applicant has responded to the Parish Council objection as follows:

Size of hoarding: Sure you will appreciate this hoarding is fairly standard, and of a size that is used on almost every other development within the District. We dispute that the sign would be dangerous, but if you wanted to discuss its location then we would be happy to do so.

Misleading: I am not sure this requires a comment, but for the avoidance of any doubt 'Waterbank' refers to the name of the development not the street. This is a marketing matter, so not entirely relevant to such scrutiny.

Visibility Splays: As you will be aware the visibility splay is a pre occupation condition of planning. It is likely that the sign and setting back of the fence will take place at the same time. For the avoidance of doubt the sign will only be in place during the marketing of the site and will be removed prior to occupation; therefore, it will not affect the planning condition as suggested. (Officer comment: It should be noted that the sign is actually outside of the visibility splay and will not therefore require relocation).

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for Chichester District comprises policies of the Adopted Chichester Local Plan 2014-2029 and all Adopted Neighbourhood Plans.
- 7.2 There are no planning policies relevant to the consideration of this application in the Development Plan and there is no adopted Neighbourhood Plan for Hunston Parish at this time.
- 7.3 There are no Supplementary Planning Guidance or Interim Statements material to the determination of this application. There is also no Village Design Statement for Hunston.

National Policy and Guidance

7.4 The National Planning Policy Framework has been considered. Paragraph 67 states that:

Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

7.5 Consideration should also be given to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, as amended.

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 Town & Country Planning (Control of Advertisements) (England) Regulations require that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

8.2 'Amenity' is not defined exhaustively in the Regulations but it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

8.3 Due to the context of the site the main issues arising from this proposal are therefore:

- i) Impact on visual amenity
- iii) Impact on public safety/highway safety.

Assessment

- i) Impact on visual amenity

8.4 The sign is a temporary one and is to be removed once sales of the dwellings have been completed and before they are occupied. It is set back from the highway and is seen against a backdrop of fencing, which it is a little higher than and also planting in the garden to the rear of it. The sign is not considered to be disproportionately large in this context and its design and appearance are not considered to be unduly intrusive visually. The sign is considered to sit well within its context. It is not

considered to be harmful to visual amenity in general nor to the visual amenity of the occupiers of properties in the immediate locality.

8.5 The sign is not illuminated and as such would also not be visually intrusive for that reason. In addition, the sign is at the lower end of the scale of size and proportions commonly seen at development sites and it would therefore be difficult to argue that it is an uncommon and therefore visually intrusive feature.

8.6 The sign does result in limited visual impact, but that impact is not considered to be harmful to amenity. It is also a temporary advertisement sign which will be removed and as such any visual impact is transient.

ii) Impact on public safety/highway safety

8.7 As previously stated in this report, the sign is located outside of the northern visibility splay at the site access point and is set back from the edge of the highway by approximately 3m at its closest edge of the sign. The visibility splay has a 2.4m setback from the edge of highway.

8.8 The sign is set parallel to an existing 1.8m wooden panel fence which is located at the edge of Summer Cottage to the north of the site access. The sign is slightly higher than the top of this fence. The sign does not therefore impact on highway safety for vehicles leaving the site. There is no footpath to the north of the site access point and in any event, the location of the sign is such that it would not impact on pedestrian safety.

8.9 In terms of impact on highway users of the B2145 Selsey Road, potential impact is limited to northbound users. However, the sign is set back from the highway; it is not illuminated and is not considered to be 'strident' or large in terms of visual appearance and therefore most unlikely to give rise to distraction to highway users.

8.10 Taking into account the above, there is not considered to be demonstrable harm to public or highway safety, nor to give rise to danger, and as such it is not considered that the sign can be reasonably objected on these grounds.

iii) Other Matters

8.11 A comment has been received regarding the use of an image which includes an individual and their property. This is a civil matter to be resolved between the parties as this relates to the content of the sign and not its impact upon either visual amenity or public/highway safety so far as the advertisement regulations are concerned.

Conclusion

8.12 Based on the above assessment it is considered the various advertising sign does not give rise to harm to amenity or to public/highway safety and that its display would be consistent with guidance in respect of advertisements. It is therefore recommended that Advertisement consent be granted, subject to conditions.

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 advertisement shall not be displayed other than in accordance with the following approved drawings:

Location and Site Plan - Drawing Number TSP 572/A1-04

Sign Location and Visibility Splays - Drawing Number 0861/SV01 Rev A

Elevation and Section - Drawing Number 861/SB01

Reason: For the avoidance of doubt, in the interests of proper planning and in the interest of visual amenities.

2) The advertisement hereby permitted by this consent shall be removed no later than 7 days following the sale of the last dwelling of the site, outlined in red, on submitted drawing number TSP 572/A1-04 (Location and Site Plan) or within 1 year of the date of this consent, whichever is the sooner.

Reason: In the interests of visual amenity.

3) The advertisement hereby permitted by this consent shall at no time be illuminated in any manner.

Reason: In the interests of visual amenity.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant consent in accordance with the Advertisement Regulations, the National Planning Policy Framework and National Planning Practice Guidance.

2) The applicant is advised that it should be noted that in the unlikely event that it is proposed to illuminate the flags, a further application for advertisement consent will be required.

For further information on this application please contact Ross Leal on 01243 534734

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Parish: Loxwood	Ward: Plaiستow
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LX/17/02304/FUL

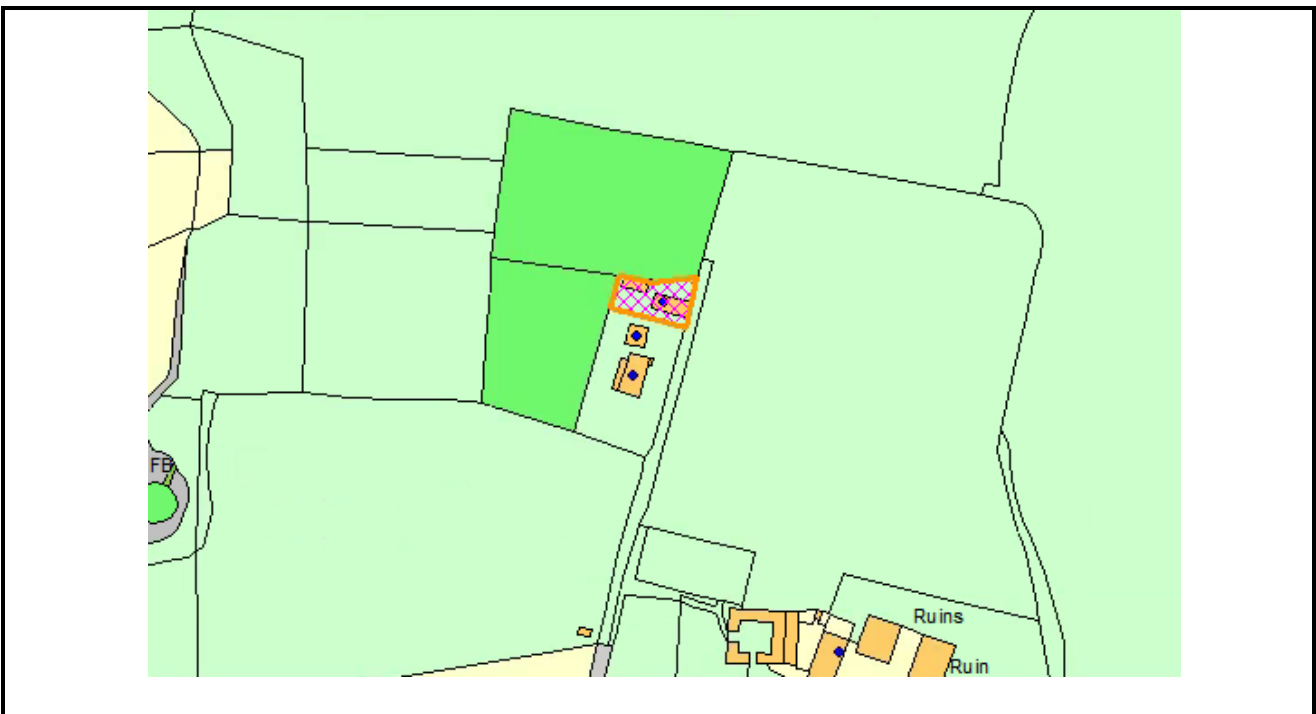
Proposal Demolition of existing temporary outbuilding and erection of replacement dwelling.

Site Buildings North Of Mallards Farm And Bluebell Cottage Guildford Road Loxwood West Sussex

Map Ref (E) 504070 (N) 133093

Applicant Mr Des Moore

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located in the rural area between the villages of Loxwood and Alfold Bars, outside of any defined settlement boundary. The site is at the northern end of a group of three residential properties, formerly a group of farm dwellings, each converted to a separate dwelling under separate consent.
- 2.2 The site is accessed via an unmetalled track running north to south to the front of the site, which joins the roundabout that leads to a private shared road before connecting to Guildford Road, approximately 350m to the west of the site. There is open farmland to the north and west of the site, including a copse of established oak trees that screen the site from wider views from the north and west. Land laid to paddock surrounds the application site to the east and south-east.
- 2.3 Previously the site contained a mobile home which was used for human habitation and for which the Council has issued a Lawful Development Certificate (14/02872/ELD), confirming its lawful use as a permanent dwelling. Since the issuing of that certificate permission has been granted for a replacement one bedroom dwelling and the static caravan has been cleared from the site. The application site is in an elevated position above the other buildings due to an incline that runs from south to north and there is an open-fronted stable/ shed building in the south-east corner of the site adjacent to the access track.

3.0 The Proposal

- 3.1 The application seeks planning permission for a replacement 2 bedroom dwelling, to replace the previous mobile home on site. The frontage of the new building would be staggered, with the front elevation level with the building line of the neighbouring properties to the south; a single-storey element would project forward of this. The dwelling would have a height of 4.75m to the ridge and 2.1m to the eaves, with a floor area of approximately 100 sq m. The footprint of the building would be 14.9 m deep by 9.5 m wide at the widest points. The proposal would include 2no parking spaces to the front of the building, with a large rear garden. The proposal seeks post-and-rail fencing with native planting to the northern and western boundaries.
- 3.2 The proposal is an alternative proposal to the permission granted under 15/03625/FUL for a 1-bedroom dwelling measuring 4.3m high to the ridge and 2.3m to the eaves, with a footprint 10.5 m deep and 4.9 m wide, but also including an attached flat roofed garage/ carport measuring 2.3 m high and 5 m wide by 13.5 m deep. This permission is extant and may still be implemented.

4.0 History

14/02872/ELD	PER	The annexe and mobile home at the site used as self-contained dwellings for at least 18 years both sharing an area of private garden separate from the main dwelling.
15/03554/DOM	PER	Raising roof ridge height of dwelling to provide habitable accommodation. [Application in relation to adjacent plot at Bluebell Cottage]
15/03625/FUL	PER	Replacement dwelling.
16/02700/FUL	REF	Replacement dwelling.
17/00007/REF	DISMIS	Replacement dwelling.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION - The Parish Council objected to 16/02700/FUL in email correspondence dated 12 October 2016 and considers that those comments still apply to this new application

"the replacement dwelling does not comply with LNP policy 12. The other policies in the LNP, however, still apply. These are policies 8, 10, 15, 17, and 18. However, it has to be accepted that the principle of a replacement dwelling has been accepted in accordance with planning permission 15/03625/FUL. The original dwelling was a mobile home with a lawful development certificate for full time occupation.

In this instance, LNP policy 12 refers to the NPPF policy 55 and the CDC local plan. The primary Local Plan policies which apply are 33, 45 and 46."

Additionally: This is a significant increase in the bulk of the original mobile home and the permitted dwelling. CDC LP policies 33, 45 and 46 require that the bulk of any new dwelling be acceptable and not be out of keeping with its surroundings etc.

LNP policy 10 paragraph d has a similar constraint. Paragraph (a) seeks to limit the use of white paint on wood and instead promotes the use of clay based materials. The proposed dwelling has wood finished elevations but this type of finish has already been accepted by application 15/03625/FUL."

6.2 WSCC Highways

NO OBJECTION - The site will make use of the existing access onto the B2133 (Guildford Road), No concerns are raised concerning additional trip generation.

No parking on site is shown within the plans however it appears plenty of capacity is available along the lane which is a dead end for the future resident/visitors to utilise.

6.3 Third Party correspondence

1no Third Party letter of objection has been received raising the following concerns:

- a) the increase in scale relative to the original mobile home unit;
- b) harm to the rural character;
- c) views from Pigbush Lane, a National Long-Distance Footpath;
- d) question the location of the boundary between the site and Bluebell Cottage; and
- e) bat surveys would be required for the trees and tin-roofed outbuilding.

6.4 Applicant/Agent's Supporting Information

"The proposal aims to provide a dwelling which provides the highest standard of design, quality of living whilst maintaining character and integrating itself modestly into its surroundings.

"It is recognized that in order to achieve this level of design an adequate amount of forethought and respect is required for the countryside in which is sited.

"Access to the site will remain from the private road of Guildford Road. The orientation has given the opportunity to create a 'breathing space' around the property, whilst siting the bulk of the development into the centre therefore screening the development with the existing properties as you approach.

"We have aimed to mirror this existing locality in terms of material and architectural style ridge heights have been reduced and respectively increased to prevent overlooking and overbearing on the adjacent properties.

"A considered response to the clients brief and Chichester Borough Councils concerns regarding previous applications has provided a well thought design solution, creating a fluid space, balancing the character of the development with the locality and openness of the countryside."

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 Loxwood Neighbourhood Plan was made on the 14 July 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:

Chichester Local Plan:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 25: Development in the North of the Plan area
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity

7.3 Loxwood Neighbourhood Plan:

Policy 2 Presumption in favour of sustainable development
Policy 7 Street lighting
Policy 8 Connections to the Loxwood Primary Sewer Network
Policy 9 Density
Policy 10 The built environment - Vernacular Policy
Policy 12 Development within the rural area and re-use of farm buildings
Policy 15 Broadband Connectivity
Policy 17 Building standards
Policy 18 Flood Zones and Run-off

National Policy and Guidance

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

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

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

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

or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

- 7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), 14, 55, 56, 58, 60, 61, and 64.

Other Local Policy and Guidance

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

- Loxwood Village Design Statement

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. Impact of the Design upon the visual amenity and rural character of the area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon the landscape
- v. Other Matters

Assessment

i) Principle of Development

- 8.2 The application follows certificate of lawful development (14/02872/ELD) which established the lawful use of the land for residential purposes. The subsequent approval for a replacement 1 bedroom dwelling (Planning permission 15/03625/FUL) is extant. Application 16/02700/FUL for an alternative design replacement dwelling was refused, and dismissed at appeal, by reason that the design, located in the south-east corner of the site, would feature fenestration that would have resulted in an unacceptable loss of privacy to the neighbouring dwellings, would relate poorly with the other dwellings in the immediate proximity, and would be unduly prominent and harmful to the open landscape.
- 8.3 Given the history of the site and the lawful use of the land for residential purposes, the principle of a replacement dwelling in the site is considered acceptable, subject to all other material planning considerations and having regard to the appropriateness of the design and the impact on the amenities of neighbouring properties.

ii) Impact of the Design upon the visual amenity and rural character of the area

- 8.4 The proposed dwellinghouse would be a single storey structure with low eaves and a deeply hipped roof that would result in a development proportionate to the size of the site and would relate well to the size and scale of the neighbouring buildings. The finish, in timber cladding with a clay tiled roof, reflects that previously granted on the site. Whilst the use of white painted timber cladding is sought to be minimised in new development by Policy 12 of the Neighbourhood Plan, the proposed material in this location would not be out of keeping and would relate well to the building's overall form in this rural setting and would not have an adverse impact on the character of the area. Clay-tiled roofs are preferred under Neighbourhood Plan Policy 12 and the proposal would be in keeping with this policy and with Local Plan policies that require new development to respond to its context.
- 8.5 Although the ground level is approximately 0.5 m higher than the ground level of the neighbouring dwellings to the south, the building to the south (Bluebell Cottage) is a two-storey chalet dwelling approximately 7.7 m high to the ridge which would be taller than the proposed dwelling. The site is wider at the front of the site and the proposed dwelling would have space around it to the north of the building, and would be set back from the track by approximately 6 m.
- 8.6 The dwelling is screened from views to the north by a significant cope of trees along the northern boundary of the site. The site is screened from the wider landscape to the east from the trees at the boundary of the paddock which are atop a slight hill, and to the north by shrubs on the boundary of Pigbush Lane, 250m away from the site. The site is screened from the south and the west by other dwellings in the wider area. Due to this screening, the scale of the proposed development in relation to the existing large dwellings, and the relative isolation of the site, it is not considered that the development would unduly detract from the wider landscape when compared to the approved replacement dwelling or the existing development.
- 8.7 Whilst the previous application for a replacement dwelling was refused, and dismissed at appeal, the design of that dwelling sought to locate the new building to the front of the other buildings in the row, away from existing screening and would have featured fenestration directly facing the neighbouring dwelling's front windows. The new proposed dwelling is considered to satisfactorily address these concerns.
- 8.8 For these reasons it is considered that the proposed new dwelling respects the character of the site and its setting as it relates to the amenity of the site and its setting in relation to the neighbouring dwellings and the wider rural landscape. As such the proposal would be considered to comply with relevant policy and to be acceptable in this regard.

iii) Impact upon amenity of neighbouring properties

- 8.9 The proposed dwelling would be located to the north of the existing neighbouring dwelling which is a chalet-style bungalow with existing north-facing fenestration and a narrow patio to the north side of the house.

8.10 The proposed dwelling would have no fenestration on the southern side facing the neighbouring property, in contrast to the previously approved development and the existing mobile home both of which had south-facing fenestration.

As such, the proposal would not lead to undue harm to the privacy of the neighbouring property. Due to the northerly position of the proposed development in relation to the neighbouring dwelling to the south the proposal would not lead to a loss of light to that dwelling.

8.11 For these reasons it is not considered that the amended development would unduly detract from the amenities of the neighbouring properties and would be acceptable in this regard.

iv) Other Matters

8.12 Two car parking spaces are required for this proposal. These can be provided at the front of the site, with sufficient space in the shared private lane for turning and occasional additional parking. As such the proposal would be acceptable in so far as it relates to the provision of parking.

8.13 It is proposed that the development would utilise existing mains sewers and drainage which would be the same arrangement as for the approved scheme and the detail of which is proposed to be secured by condition.

8.14 A third party has raised concern that a bat survey is required. However, the proposed development would not lead to the removal of any structures that do not already benefit from permission to be removed and the disruption to activity in the oak trees would not be considered likely to be in excess of the activity of the other dwellings, the mobile home, or the approved replacement dwellings. Works have been undertaken to reduce the trees adjacent to the site in preparation for the works approved under permission 15/03625/FUL. As such it is not considered that this development would pose a threat to the population or habitat of protected species. An informative is recommended to remind the applicant of their responsibilities in relation to the Habitats regulations.

Conclusion

8.15 Based on the above it is considered the proposal complies with development plan policies and other related guidance and therefore the application is recommended for approval.

Human Rights

8.16 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: A16603.03.02 rev B, A16603.01.01.

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 plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

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

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

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

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

8) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

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

9) **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.

10) **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.

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

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

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

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

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

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

13) 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 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.

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

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

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

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 0RB

Map Ref (E) 485491 (N) 93453

Applicant Mr Nader Abbassi

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

This application was deferred at the meeting on 13th September 2017 for a Site Visit and Further Information

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 under Use Class A2.
- 2.2 The application property is situated within the settlement boundary of Selsey and within the Selsey Conservation Area. The property is immediately fronted by a Class B road and 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 terrace are residential dwellings.
- 2.3 To the front elevation the application property features a dark grey painted timber shopfront at ground floor level with plain white timber fascia board above and two timber bay windows at first floor level. The property is clad with light coloured painted render and slate roof tiles.

3.0 The Proposal

- 3.1 The application proposes a change of use from Class A2 (financial and professional services) to Class A3 (restaurants and cafes) and A5 (hot food takeaway).
- 3.2 The application proposes an extract duct to the north pitch of the main roof, achieving 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
South Downs National Park	NO
EA Flood Zone	NO
- Flood Zone 2	
- Flood Zone 3	
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 un-loading 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

24/04/2017: 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.

25/10/2017: Further to your email below I have considered the proposal for the storage of waste within the property. It is clearly our preference that waste is stored in an outside yard area, in a secured bin which is collected regularly. However, where this is not possible then there are already examples in the city centre where waste is stored within the premises and then placed outside for collection on the appointed day. I have discussed this issue with David Gibson in the Commercial Team and he confirms that from a food hygiene perspective it is acceptable provided that there are suitable controls in place which revolve around cleaning of spillages, adequate storage capacity and appropriate frequency of collection. Frequency of collection will be dependent on the nature of the business and the volume however as a minimum we would expect that collection would be at least once per week. Should any odour arise it is unlikely that it will affect neighbouring premises before it has an adverse effect on the unit in which it is housed.

My only slight reservation is that if the area below the stairs forms part of an escape route then the Fire and Rescue service may have a view as to what can be stored there.

6.4 6x Third Party Objections

Concerns have been expressed by third parties regarding the following:

- 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
- 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 and related plans regarding removal of waste from premises**
- 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 Parish of 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 Supplementary Planning Documents are material to the determination of this planning application:

Selsey Conservation Area Character Appraisal

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

A3 - Vibrant and sustainable City and market towns, with a good range of business and retail types

C6 - Health Protection

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
- Promoting and developing a dementia friendly district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Coordinate and promote services that help those living with low level mental health conditions
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Increase the number of volunteers and trustees in the community/voluntary sector
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Highways Safety
- iii. Design and Impact upon Visual Amenity/Character of Area
- iv. Impact upon Heritage Assets
- v. Impact upon the amenity of neighbouring properties
- vi. Noise and Odour

Assessment

i) Principle of Development

- 8.2 The application site is located within the settlement boundary, where, as per Policy 2 of the Chichester Local Plan, development is generally supported, providing that the proposal respects the setting, form and character of the settlement.
- 8.3 The application proposes a change of use from A2 (financial and professional services) to A3 (restaurants and cafes) and the installation of a flue to project through the existing roof, which are generally permissible under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2: Part 3: Class C, subject to prior approval from the Local Planning Authority regarding impact upon/of handling of waste, highways safety, opening hours, provision of services, external appearance, odour and noise. As such the general principle of this change of use and installation of the associated extract flue is acceptable, subject to assessment of these impacts.
- 8.4 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.

ii) Highway Safety

- 8.5 Concerns have been raised by third parties regarding the potential for the proposed change of use to impact negatively upon highways safety. The concerns relate to the lack of parking provision outside the premises and the proximity of the site to traffic lights, which third parties suggest could be problematic with regards to deliveries and collections and customers attempting to park on the double yellow lines outside of the premises.
- 8.6 However, no highways 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 fronting 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, which it is suggested could safely accommodate delivery vehicles.

8.7 The applicant has submitted a scale plan showing the location where the waste bins would be positioned overnight once per week whilst awaiting collection. The bins would be stored immediately adjacent to the front elevation of the application property. Owing to the width and termination of the pavement in this location it is not considered that the bins would constitute an obstruction to public access along the stretch of pavement which fronts the property for the period of collection.

iii) Design and Impact upon Visual Amenity/Character of Area

8.8 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.

8.9 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 fronting road 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 development to the north and rear of the application site. However, the flue would not be considered to constitute a significant negative impact upon the visual amenity of the application property or upon the appearance and character of the street scene.

8.10 The proposal would therefore be in compliance with Policy 33 and would be acceptable with regards to design and impact upon visual amenity.

iv) Impact upon Heritage Assets

8.11 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.

8.12 The flue would be obscured from view from the front of the site by the bulk of the existing roof and, as such, would not be perceptible within the context of the setting of the Listed Building opposite the site. The proposed 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.

8.13 The proposal would therefore be in accordance with Policy 47 and acceptable with regards to impact upon heritage assets.

v) Impact upon the amenity of neighbouring properties

8.14 Policy 33 requires that development proposals respect or enhance neighbouring and public amenity.

- 8.15 The only external alteration proposed is a flue pipe, which would be largely obscured by the bulk of the existing pitched roof. As such the proposal would not be expected to result in a negative impact upon the outlook, light or privacy of surrounding development.
- 8.16 The potential of the proposal to impact upon the amenities of noise and odour will be considered below.

vi) Noise and Odour

- 8.17 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.
- 8.18 As part of the current application the applicant has provided detailed information regarding the specification and maintenance of the flue as well as the arrangements for the storage and disposal of food waste. **The applicant has provided a written statement explaining that waste would be stored internally in two 240L bins within an enclosed storage area located in the rear corner of the property at ground floor level. The area would be ventilated by way of a rear-facing window to include a mechanical vent. The bins would be removed down the side passage to the south of the property on one night per week and returned to the storage area following the morning collection.**
- 8.19 The proposal has been considered by a CDC Environmental Health Officer, who commented as follows "The information supplied is sufficient and I am satisfied that it should not cause nuisance by way of noise or odour to nearby properties." **Further comments relating specifically to arrangements for the storage and removal of waste were received as follows "...there are already examples in the city centre where waste is stored within the premises and then placed outside for collection on the appointed day... from a food hygiene perspective it is acceptable provided that there are suitable controls in place which revolve around cleaning of spillages, adequate storage capacity and appropriate frequency of collection...as a minimum we would expect that collection would be at least once per week."**
- 8.20 As such, **subject to conditions to control the disposal and storage of waste**, it is not anticipated that the proposed change of use of 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.

Significant Conditions

- 8.21 The following document will be required for submission and approval prior to the commencement of works in the interest of highway safety: a Service Management Plan setting out the arrangements for the loading and unloading of deliveries and arrangements for the collection of refuse.
- 8.22 in the interest of neighbour and public amenity the applicant will be required, at all times following completion, to adhere to the details contained within the Maintenance and Management Scheme for ventilation and extraction system.

Conclusion

- 8.23 Based on the above it is considered the proposal complies with the development plan policies and therefore the application is recommended for approval.

Human Rights

- 8.24 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) **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.

- 4) The extract duct and ventilation system hereby permitted shall be constructed in accordance with the details contained within the submitted Vent and Extraction Details document and at all times maintained in accordance with the details contained within the submitted Maintenance and Management Scheme.

Reason: To ensure the development complies with the planning permission and in the interest of preserving neighbour and public amenity.

- 5) The extract duct and ventilation system hereby permitted shall not be operated outside the hours of:

7am and 11pm Mondays to Sundays.

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

- 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 14

Report to **Planning Committee**
Date **15 November 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/02780/FUL**
Applicant **Mr & Mrs C Napier**
Application **Erection of new 3 bedroom detached dwelling following demolition of the existing dwelling.**
Address **Kimpton Cottage
Durford Wood
Rogate
GU31 5AS**

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

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

Executive Summary

Reason for Committee Referral: Parish Objection – Officer Recommends Permit

The proposal seeks planning permission for the replacement of the former gardener's cottage at Kimpton, Durford Wood, Rogate. The gardener's cottage does not have any restrictive planning condition tying it to Kimpton and therefore it is appropriate to consider its replacement under Policy H12 of the Chichester District Local Plan 1999. The proposal is considered to be a well-designed and modest replacement dwelling, reflecting local distinctiveness and the character of the surrounding area. The proposed dwelling is considered to comply with policy H12 and would not result in harm to the landscape character of the surrounding area, the dark night skies of the National Park, residential amenity, biodiversity and trees on site. The proposal is therefore recommended for approval.

1.0 Site Description

- 1.1 Kimpton Cottage is a single storey detached property sited within the wider grounds of Kimpton. The property is of a simple design, with a gable concrete tiled roof and a timber clad exterior. The property is sited to the south of the site, with an agricultural lane to the south and west boundaries and the grounds of Kimpton to the east of the site. The properties within the Durford Wood estate are set in large plots, with some having cottages, such as the property the subject of the current application, within their grounds and which were originally built as service accommodation.

These properties were subject to restrictive covenants preventing separation from the main house. As the need for service accommodation has reduced, the residents association, Durford Wood Landowners Limited let the properties be owned by tenants. In 2014 at a General Meeting of Durford Wood Landowners Limited, followed by a postal vote by shareholders, it was decided that the separation of the cottages from the main house could be permitted. It is noted that the original planning permission for the Durford Wood estate (including Kimpton) did not restrict the service accommodation by planning condition.

2.0 Proposal

- 2.1 The proposal seeks planning permission for the replacement of Kimpton Cottage with a new dwellinghouse. The replacement dwelling would include a single storey half hipped roof form. On the front elevation two half hipped gable projections are proposed with a central porch doorway, within the roofspace on this elevation two rooflights are proposed. On the rear elevation (facing onto the agricultural land) a central first floor gable projection is proposed along with four rooflights within the roofspace.

3.0 Relevant Planning History

RG/7/61 - Erection of cedar bungalow for gardener's cottage - Approved April 1961

4.0 Consultations

4.1 Rogate Parish Council

Rogate Parish Council initially commented stating

'In the absence of a plan showing the footprint/size of the existing dwelling and therefore allowing for comparison to the proposed dwelling Rogate Parish Council felt unable to make a decision on this application.'

Further information on the footprint was provided and the following comments were received:

Rogate Parish Council objects to this application because the scale is significantly larger than the original dwelling and therefore against the policies in the neighbourhood plan.

4.2 WSCC Highways

The proposed units will be accessed from Durford Wood which is a private road. Consequently, these comments are for your advice only.

The site is located within the boundary of West Sussex however the access for such is sited within Hampshire border- therefore WSCC Highways advise that Hampshire Highways team are approached regarding the suitability of this proposal in relation to the access at this location as we do not hold the relevant data.

Currently a two bedroom house exists in this location, this is to be demolished and a three bedroom dwelling erected in place with an office space on the ground floor. The increase in scale of one bedroom is not anticipated to generate a material change in trips within this location.

Refuse collection will continue as existing and provisions for collection have been marked within the plans.

Ample space has been provided for parking and turning within the site. This adheres to the demand outlined within the WSCC parking demand calculator. Based on this consideration no highways safety concerns are raised on the internal layout capacity and parking provisions.

4.3 HCC Landscape Officer

The site is located within Durford Wood, Rogate outside any settlement boundary. The South Downs Integrated Landscape Character Assessment (ICLA) 2011 places the site within Landscape Character Area N Greensand Hills and sub area N1: Blackdown to Petworth Greensand hills.

The settlement pattern in this area is typical of the landscape type (characterised by a high density of dispersed settlement), the proximity of Haslemere and Liphook means this area has seen a spread of smallholdings and detached houses with gardens, particularly in the north of the character area.

The site lies at the southern edge of Durford Wood overlooking the area defined in the ICLA as Landscape Character Area M Sandy Arable Farmland and sub area M1: North Rother Valley Sandy Arable Farmland. Under 'Sensitivities Specific to the North Rother Valley Sandy Arable Farmland', M1.6, the study refers to 'Long views across the Rother Valley resulting from the open character and rolling nature of the landscape.'

In area N1 the ICLA says 'Building materials are typically local sandstone, red brick and clay tiles' and '...Ensure that any built development reflects the local vernacular - resist suburban style garden boundaries, kerbs, and lighting.'

2) Information Required:

i) domestic curtilage of the property is incorrectly shown ii) A survey of existing trees on and immediately adjacent the site needs to be submitted as part of this application. iii) The elevation drawings should show the existing building in outline so that for ease of comparison.

3.0) The Proposal- Assessment of Impacts:

3.1 The development has the potential to have an impact on local views from public rights of way nearby and long views from the lower ground to the south.

While taking advantage of the views southwards the design of the house needs to respect the setting:

i) The scale and the fenestration of the proposed building are of concern

-The amount of glazing and the use roof-lights appears to be at odds with the SDNPA's dark skies policy.

-The number of large openings is a concern also in relation to noise which could have disproportionate impact in this quiet setting

-Any external lighting will need to be kept to a minimum and the subject of a planning condition to approve the detailed design.

ii) The tree protection plan shows the building sitting within 2m of the canopies of two mature oak trees. If the trees on the site are to be properly protected the tree survey referred to above must inform the final positioning of the building. Comprehensive details of tree protection need to be submitted for approval before any work on site commences.

iii) The 'site and landscaping plan' shows driveway and paths very close to the existing trees and a no dig construction will be required in these areas. The areas need to be clearly shown on plan and details of construction submitted before any work on site commences.

iv) Any permission should include the removal of further permitted development rights..

v) A more traditional approach the appearance of the house would be welcomed. locally clay tiles are the norm rather than slate; render is not traditional in this area although careful use of a muted colour would help it sit better in the landscape; using hips on the north side of the roof would avoid the blind upper sections of the gables and help lessen the bulk of the house without reducing floor space internally.

Careful use of colour will greatly help reduce the impact the new building has on the long views from the south. Muted colours have been referred to in the application which is welcomed but we recommend that a detailed schedule of materials together with samples be submitted for approval prior to any work commencing on site.

4) Conclusion:

We make no over-riding objection to the proposals but would like to see some changes to the design submitted and also recommend conditions as outlined above be attached to any permission.

Comments on revised proposals

Red line boundary- my earlier response item 2 i) I believe the boundary for the residential curtilage is smaller than the red line area. See OS

Existing trees - the tree report refers to T9 and T14, both oaks, being removed. The site plan shows them retained, which would be preferable. If they can be kept protection will be needed as both are oaks. As a number of trees are coming out and others including T14 may have a relatively short life expectancy according to the survey replacement planting should be included in the scheme of appropriate native woodland species rather than garden ornamentals. It would help soften views of the new building from the south if some trees could be planted on that side of the building.

Proposed glazing - although the changes to the external appearance are welcomed as generally more traditional in form, there is still a lot of glazing at the lower level on the south facing elevation as well as roof-lights on that side. Both will be seen in long views from the lower ground to the south.

Site layout - We would recommend that detailed planting plans be requested through a condition. Planting should include a deep bed or hedge in front of the retaining wall to the patio, approx. 1.2m high, to ensure that it is screened in long views from the south.

Generally I believe the scheme to be improved and we would make no overall objection to it.

4.4 CDC Environmental Strategy Officer

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles

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

Nesting Birds

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

5.0 Representations

5.1 No third party comments received.

6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for this area is the Chichester District Local Plan First Review (1999). The following documents are also considered to be material considerations in the determination of this application:

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Pre-Submission September 2017

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

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

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

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

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

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

NPPF - Achieving sustainable development
NPPF06 - Delivering a wide choice of high quality homes
NPPF07 - Requiring good design
NPPF11 - Conserving and enhancing the natural environment

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

7, 14, 17, 56, 60, 61, 64, 109, 115, 118.

Chichester District Local Plan First Review 1999

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

- RE1 - Development in the Rural Area Generally
- BE11 - New Development
- BE14 - Wildlife Habitat, Trees, Hedges and Other Landscape Features
- H12 - Replacement dwellings and Extensions
- TR6 - Highway Safety

The South Downs Local Plan – Pre-Submission 2017

7.5 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

7.6 The following policies of the South Downs National Park Local Plan - Pre-Submission September 2017 are relevant to this application:

- SD1 – Sustainable development
- SD4 – Landscape character
- SD5 - Design
- SD6 – Safeguarding views SD7 – Relative tranquillity
- SD8 - Dark Skies at Night
- SD9 - Biodiversity and Geodiversity
- SD11 - Trees, Woodland and Hedgerows
- SD30 - Replacement dwellings

Partnership Management Plan

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

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

- General Policy 1
- General Policy 3
- General Policy 28
- General Policy 50

Rogate and Rake Neighbourhood Development Plan

- 7.8 The Rogate and Rake Neighbourhood Development Plan has recently been through its pre-submission consultation stage and as such its policies can only be given limited weight. Policy H4 – Replacement dwellings, annexes and extensions is relevant to this application.

8.0 Planning Assessment

The principle of the replacement of the existing dwelling

- 8.1 The principle of a 1:1 replacement dwelling is considered to be acceptable under Policy H12 of the Chichester District Local Plan 1999. Policy H12 sets out criteria against which proposals for replacement dwellings should be assessed. Proposals would not be acceptable if the replacement dwelling is capable of conversion into more than one dwelling, it detracts from the rural character and appearance of the surrounding area and detracts from the established amenities of adjoining residents. It is noted that the existing dwelling on the site is not considered to be a small dwelling as it has a floor area greater than 90 sq.m and a curtilage greater than 450 sq.m. Therefore any replacement dwelling is not restricted to a 50 percent increase in floor space and the proposal must be judged on its impact on the character and appearance of the surrounding area.

The design of the replacement dwelling and its impact on the character and appearance of the area

- 8.2 The proposed design of the replacement dwelling is considered to be acceptable and will not result in harm to the landscape character of the surrounding area. By being single storey the replacement dwelling would appear as a modest dwelling on the site, not detracting from the wider landscape character of the South Downs National Park. It is noted that it will have a larger footprint than the existing dwelling on the site and it will be approximately 1.2m higher, however given its single storey design and incorporating locally distinctive features such as the half hipped roof form, timber cladding and a tiled roof, it is considered that the building will not read as a dominant or assertive addition within the landscape, thus not detracting from the rural character of the surrounding area and according with Policies H12 and BE11 of the Chichester District Local Plan 1999. Furthermore, the internal layout of the replacement dwelling would not be capable of conversion into more than one dwelling.

- 8.3 During the application process, amendments have been sought including the use of tiles instead of slates, timber cladding instead of render, the reduction of glazing on the southern (rear) elevation and the use of half hips for the gable projections on the front elevation. It is considered that these changes help the building to reflect the local distinctiveness and character of the surrounding area and ensure that it integrates into the landscape.

The single storey design is also considered to be sympathetic and ensures that the building reads as a visually subservient addition within the wider area. Although it is noted that the property will be visible from the PROW which runs to the west and south of the site and from wider vantage points to the south of the site, which faces onto open countryside and beyond the A272, the sympathetic design and character of the building ensures that it does not result in harm to the wider landscape character of the area and reflects the built form of the surrounding area.

- 8.4 In respect of the comments received from the Parish Council regarding the scale of the replacement dwelling being significantly larger than the existing dwelling and against the policies in the neighbourhood plan, the Rogate neighbourhood plan has recently been through a second pre-submission stage and has not yet been formally made. Its policies can therefore only be given limited weight. Nevertheless, policy H4 of the draft Neighbourhood plan is relevant. In respect of this policy it is considered that the replacement dwelling will be of an appropriate scale for the size of the site and, although larger than the existing dwelling it is not considered to be significantly larger. The size of the plot is relatively large and can adequately accommodate the proposed replacement dwelling which would not appear cramped on site. It would retain a single storey form and will not overly dominate the size of the plot. Furthermore, the proposal would not harm residential amenity of neighbouring properties and is of a design that would reflect local distinctiveness and the character of the surrounding area. Given these circumstances the proposal is considered to be an acceptable form of development that will relate well to its surroundings and complies with the requirements of policy H4.

The impact of the replacement dwelling on Dark Night Skies

- 8.5 The level of glazing proposed within the replacement dwelling has been reduced on the south (rear elevation) following discussions with the applicant during the application process and the number of rooflights have also been reduced since pre-application stage. Furthermore, the rooflights are proposed to be fitted with black out blinds.
- 8.6 With regard to the further comments from the Landscape Officer on the application, these are noted however it is considered that the light emissions from the proposal will not be significant to warrant a reason for refusal. The ground floor glazing has been reduced during the application process and the glazing at this level will be obscured by the retention of the hedgerow to the south of the site. With regard to the rooflights, these have also been reduced in number during the application process, the two rooflights that are retained are considered to be small and discreet within the roofspace, and would not result in significant light spillage.

The impact of the development on residential amenity

- 8.7 The replacement dwelling is sited some distance from Kimpton House and there are no other properties in close proximity to the property, therefore it is not considered that the proposal would result in significant harm to the residential amenity of neighbouring properties sufficient to refuse planning permission.

Other matters

- 8.8 A phase one survey has been submitted with the application and this has indicated that no bats are present on site. Therefore the proposal will not result in harm to bats and no further surveys are required.

- 8.9 Access to and from the site will remain as existing, utilising the same access as Kimpton House. Ample parking provision and turning space is proposed on site, therefore the proposal will not result in any highway safety issues.
- 8.10 An arboricultural impact assessment and method statement has been undertaken on the site. For the most part the proposed dwelling will not fall within the root protection area's for the trees on the site, with the exception being an oak tree which is considered to be of poor quality and therefore it is proposed to be felled. A further small oak tree is also proposed to be felled as it has a telegraph pole growing through it. Three Laburnam tree's, two of which are dead and a Lilac tree will also be removed. Adequate mitigation measures are proposed to ensure that the remaining trees on the site are protected during development. The landscape officer raised concerns with the removal of the oak trees, however given their quality and siting (adjacent to a telegraph pole), in this particular circumstance the removal of these trees is considered acceptable. A condition requiring details of further landscaping on the site has been included in the recommendation.

9.0 Conclusion

- 9.1 To conclude, the proposed replacement dwelling is considered to be of an appropriate size, design and scale and accords with Policy H12 of the Chichester District Local Plan 1999. The proposal would not result in harm to the landscape character of the South Downs National Park, the dark night skies of the of the South Downs National Park and residential amenity, therefore the application is recommended for approval.

10.0 Reason for Recommendation and Conditions

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

1. Time Limit

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

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

2. Approved plans

The development hereby permitted shall be carried out in accordance with the plans noted below.

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

3. Agreement of materials

No development shall commence until details, and samples where appropriate, of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: cladding, bricks and any other wall facing materials, Brick bonds, Mortar mix and finish, Rain water goods (including their relationship with eaves and verges), tiles and any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

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

4. Tree Protection

No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

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

5. No Class A PD rights

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

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

6. No Class E PD rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority by way of a planning application.

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

7. Landscaping

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

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

8. Landscaping implementation

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

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

9. Hedgerow retention

The hedgerow to the south of the site shall be retained

10. No external lighting

No external lighting shall be installed either on the building or within the site.

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

11. Blackout Blinds

Roof windows shall be fitted with blackout blinds to avoid any upward light spill and shall be maintained thereafter.

Reason: In order to safeguard this intrinsically dark location in accordance with Policy BE11 of the Local Plan and the emerging Dark Night Skies policy SD9 of the draft South Downs Preferred Options Local Plan 2015.

11.0 Crime and Disorder Implications

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

12.0 Human Rights Implications

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

13.0 Equality Act 2010

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

14.0 Proactive Working

14.1 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.

Tim Slaney
Director of Planning
South Downs National Park Authority

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email: ccranmer@chichester.gov.uk

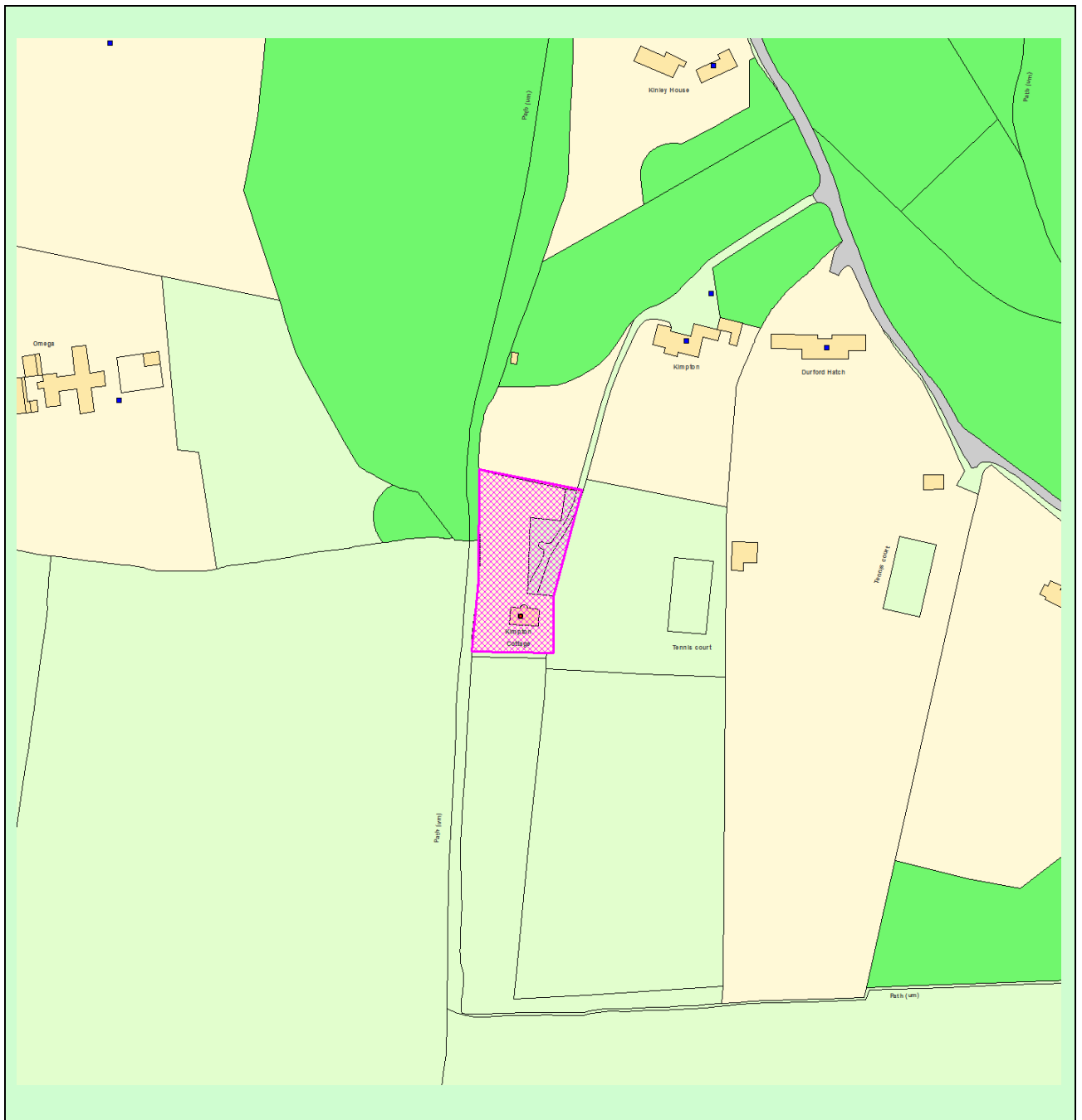
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Survey Drawing	13846 S1		23.06.2017	Approved
Plans - Ground Floor Plan	16-129/1		23.06.2017	Superseded
Plans - First Floor Plan	16-129/2		23.06.2017	Superseded
Plans - Front and Side Elevations	16-129/3		23.06.2017	Superseded
Plans - SITE LOCATION PLAN	16-129/LP1		23.06.2017	Superseded
Plans - Propsoed Site and Landscaping Plan	16-129/SP1		23.06.2017	Superseded
Plans - Tree Protection Plan	16-129/TPP1		23.06.2017	Approved
Plans - Rear and Side Elevation	16-129/4		23.06.2017	Superseded
Plans - Ground Floor	16-129/1A		08.09.2017	Approved
Plans - Front (north) and side (east) elevations	16-129/3A		08.09.2017	Approved
Plans - Rear (south) and side (west) elevations	16-129/4A		08.09.2017	Superseded
Plans - Proposed site and landscaping plan	16-129/SP1A		08.09.2017	Approved
Plans -	16/129/LP1	A	25.08.2017	Approved
Plans -	16/129/ED3		02.08.2017	Approved
Plans -	16/129/ED2		02.08.2017	Approved
Plans -	16/129/ED1		02.08.2017	Approved
Plans – proposed site plan	16-129/SP1B		18.10.2017	Approved
Plans – proposed first floor plan	16-129/2A		18.10.2017	Approved
Plans – proposed side and rear	16-129/4B		18.10.2017	Approved

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

Agenda Item 15

Report to **Planning Committee**
Date **15 November 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/16/03326/FUL**
Applicant **Mr & Mrs Chris & Claire Wilkins**
Application **Proposed dwelling.**
Address **Garden of 1 Stone Pit Cottages Marleycombe Road Camelsdale
Linchmere West Sussex**

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

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

Executive Summary

Reason for Committee Referral: Parish Objection – Officer Recommends Permit

The application site is situated within the Settlement Policy Area (SPA) for Camelsdale and therefore the principal of residential development in this location is considered to be acceptable. The applicant has chosen to adopt a contemporary approach to the design of the dwelling, which, following negotiation with officers is now considered to be an acceptable response to this transitional, edge of settlement location.

The scale and massing of the dwelling is successfully handled through the design approach and the intention to use materials vernacular to the local area. The Highways Authority has concluded that there are no highway safety or capacity concerns with regard to the proposed use of a short section of existing track to access this single dwelling. The dwelling has been designed and sited to avoid any adverse impact on neighbouring properties.

It is therefore considered that the proposal would not conflict with the aims and objectives of both national and local planning policies and the purposes of designation of the National Park and it is therefore recommended that planning permission is approved.

1.0 Site Description

- 1.1 The application site is situated at the southern end of Marleycombe Road, a residential no through road on the southern fringe of Camelsdale. The site comprises the lower part of the garden to 1 Stone Pit Cottages, one of a pair of semi-detached dwellings occupying an elevated position to the east.

- 1.2 The site is generally level, lightly covered with small (mainly fruit) trees. A narrow track leading into adjoining woodland runs alongside the west boundary of the site. The treatment to the north, south and west site boundaries comprise mature hedging. The eastern side of the site boundary features a series of garden terraces cut out of the former quarry face, finally leading to stone faced retaining walls, beyond which is located 1 and 2 Stone Pit Cottages. The difference in levels from the site up to the level of existing dwellings to the east is approximately 7.0 metres.
- 1.3 To the south and west of the application site is a block of extensive mature woodland, part of which is within the National Trust owned Marley Common. Marleycombe Road comprises a mix of relatively modern one and two storey detached dwellings of varying designs. One of the key characteristics of the street scene is the linear emphasis to the established pattern or grain of development brought about by the generally north/south alignment of the properties.
- 1.4 The site lies within the Settlement Policy Area (SPA) for Camelsdale and just within the northern extent of the South Downs National Park. It is within landscape character type N1 (Blackdown to Petworth Greensand Hills) set out in the South Downs Integrated Landscape Character Assessment 2011.

2.0 Proposal

- 2.1 The proposal is for the erection of a single detached dwelling on the lower part of the garden to 1 Stone Pit Cottages. The house, to be located toward the eastern side of the site, would be constructed as a two storey dwelling, with the ground floor elevational treatment in facing stone and upper levels clad in timber boarding. The rear (east) part of the dwelling is designed with a flat 'green' roof, with the main pitched roof clad in slates.
- 2.2 The proposed access to the site makes use of the first 21.0 metres of the narrow track leading to National Trust woodland to the south and west. The overall width is stated to be 2.5 metres along this section of the track, although the margins are currently overgrown, giving a much narrower appearance and so would require some minor widening. There is reference by third parties to this track being a public right of way, however, it does not feature on the definitive rights of way map.

3.0 Relevant Planning History

SDNP/15/04601/FUL - Proposed dwelling. REFUSED 16.11.2016

4.0 Consultations

4.1 Lynchmere Parish Council

This application has been considered by Lynchmere Parish Council and an objection is made on the grounds that the proposed building is not in character for the area, both in terms of the form of the structure and the materials. The structure is also too large for the site. The ownership of the land over which the access is proposed needs clarification and the Council requests reassurance that it will not obstruct a public footpath.

Lynchmere Parish Council (to amended plans)

This application has been considered by Lynchmere Parish Council and an objection is made on the grounds that the proposed building is not in character for the area, both in terms of the form of the structure and the materials. Furthermore there is inadequate provision for parking. It is not clear whether there is adequate vehicular access as no dimensions are shown for the width of the proposed access road; the actual dimensions of the applicant's right of way need to be verified.

4.2 WSCC Highways

West Sussex County Council was consulted previously on Highway Matters for a similar application at this location under application reference SDNP/15/04601/FUL. No highways concerns were raised to the application. The application was refused by the Local Planning Authority not citing highway safety or capacity.

Where the access way is not to be adopted the Highways Authority scope for comments is limited in this regard, especially as the point of access to the maintained highway network is at the end of a turning head, where only limited manoeuvring would be required.

The access way is theoretically wide enough to accommodate an average sized family saloon. Whilst the access way is not wide enough to accommodate a fire appliance, it would be able to operate from Marleycombe Road, which is within the 45.0 metre distance required by Building Regulations. Similar provisions apply in respect of carry distances for refuse collection.

I would conclude that a smaller family vehicle would be able to access the site and servicing arrangements, refuse and emergency, could take place from Marley Combe Road. I would anticipate that other servicing arrangements such as deliveries by light goods vehicles would also likely have to take place via Marley Combe Road. If future occupants of the dwelling were to purchase a larger vehicle that does not fit along the access way then this may result in a small proportion of on street car parking taking place upon Marley Combe Road. It would be difficult to substantiate that either of this would result in a severe highways safety issue contrary to paragraph 32 of the National Planning Policy Framework.

In conclusion no anticipated highway safety or capacity concerns would be raised to this proposal.

4.3 Environment Agency

No comments received

4.4 SDNP Dark Skies Officer

In general, as the proposal is already in a residential area and the design of the property does not present any significant sources of light pollution with respect to the ambient, the impact on dark skies is small. I would recommend that low transmittance glass be used, particularly on the woodland edge to reduce the spill of internal light, and a condition of no rooflights.

I notice from the plans that there is an intention to install an external light for the entrance door. I would require that this - or any lighting - is dark sky friendly with an Upward light ratio of zero, of around 500 lumens (sufficient for entrances) and set to proximity timers. No security lighting above 1,500 lumens should be used at all, and any lighting should be pointing down (ULR = 0)

4.5 The National Trust

Right of access may encroach on to NT land, although acknowledged that this a private issue between the parties.

The NT would contend that the proposal does not provide safe and suitable access for all and would result in conflict between pedestrians and traffic.

Concerned that the proposed development, including the access track is not sufficiently detailed enough to address the relationship with the existing trees within NT's ownership and whether this will result in a detrimental impact on their health and future growth.

5.0 Representations

5.1 18 Third party objections to original plans, raising the following concerns:

Conflict with statutory purposes of designation and contrary to policies protecting the National Park

Principle of development - harm to sylvan character of surroundings

Poor design - incompatible with surrounding woodland

Overdevelopment

Intrusive presence

Light pollution

Inadequate parking

Inadequate access - conflict with other users, highway safety

Increase in surface water runoff - inadequate drainage

Ownership of track - potential conflict with National Trust land

Loss of privacy and outlook

5.2 6 Third Party objections to amended plans

Original objections to development maintained: Amendments to design do not overcome issues.

6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for this area is the Chichester District Local Plan First Review (1999). The following documents are also considered to be material considerations in the determination of this application:

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Pre-Submission September 2017

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

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

- 7.2 The following sections of the National Planning Policy Framework have been considered in the assessment of this application:
- NPPF - Achieving sustainable development
 - NPPF06 - Delivering a wide choice of high quality homes
 - NPPF07 - Requiring good design
 - NPPF11 - Conserving and enhancing the natural environment

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

7, 14, 17, 56, 60, 61, 64, 109, 115, 118.

Chichester District Local Plan First Review 1999

- 7.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF:
- BE1 - Settlement Policy Boundary
 - BE11 - New Development
 - BE14 - Wildlife Habitat, Trees, Hedges and Other Landscape Features
 - BE13 - Town Cramming
 - TR6 - Highway Safety

The South Downs Local Plan – Pre-Submission 2017

- 7.5 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

7.6 The following policies of the South Downs National Park Local Plan - Pre-Submission September 2017 are relevant to this application:

- SD1 – Sustainable development
- SD4 – Landscape character
- SD5 – Design
- SD7 – Relative tranquillity
- SD8 – Dark night skies
- SD22 – Parking provision

Partnership Management Plan

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

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

- General Policy 1
- General Policy 3
- General Policy 28
- General Policy 50

8.0 Planning Assessment

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

- The principle of the development of this site with a new dwelling
- The effect of the proposed development on the locality and the wider National Park landscape
- Access and highway safety
- The impact of the development on the amenities and living conditions of occupiers of adjoining properties.

The principle of the development of this site with a new dwelling

8.2 The application site lies within the Settlement Policy Area (SPA) boundary for Camelsdale and therefore the principle of the development of the site is supported by Development Plan policies. The acceptability of the proposal therefore turns on compliance with other saved policies of the Development Plan, namely BE11 and BE13.

The effect on the locality and wider National Park landscape

8.3 The design approach to the development chosen by the applicant is overtly contemporary but has been influenced by the site's physical constraints and the nature, form and orientation of existing development within the area. In making planning decisions the NPPF at paragraph 58 requires LPA's to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials. However, such decisions should not prevent or discourage appropriate innovation.

- 8.4 The siting of the proposed dwelling is set back toward the eastern boundary of the site to integrate with the existing series of retaining walls. This in turn provides a degree of setback from the well-used pathway bordering the western boundary. The two storey form of the dwelling and main north/south axis alignment reflect the grain and scale of existing development within Marleycombe Road. The dwelling is to be located centrally relative to the north and south boundaries, providing a reasonable amount of amenity space around the building. Existing boundary treatment is to be retained as part of the scheme.
- 8.5 The overall building height is limited to 7.0 metres, with an eaves height of 4.7 metres, aided by the relatively shallow pitched slate-clad roof. The rear section of the roof is deliberately flatted to ensure that the building massing when viewed from the west (from 1 and 2 Stone Pit Cottages) is well managed and does not become assertive. The overall massing of the proposed dwelling is emphasised to some extent by the relatively deep plan and the pitch of the roof. However, it is considered that this has been sensitively handled in elevation through the partially oversailing first floor to the north elevation, relatively deep eaves and subtle variations in plan depth at the south end to create deep shadow lines and visual interest. This is further helped by the differential choice of materials between the ground (stone) and first floor (timber boarding) elements. The materials themselves are recessive/muted and pick up on the commonly used materials palette found within the area in terms of colour and texture as well as assisting in visually breaking up the massing of the building.
- 8.6 The presence of the dwelling would be most noticeable from the adjoining path on the west side and from the turning head to Marleycombe Road, although in the latter case views are limited to a degree by the shielding effect of No 53. Views of the proposed dwelling are also limited by existing vegetation when approaching the site from the south through the woodland. The impact of the dwelling on the locality must be considered in the context of its position at the end of a residential street. It is acknowledged that the position is somewhat transitional in character from urban to rural and from the more regular, formal housing layout to the north. This therefore permits a degree of flexibility in terms of the design approach in developing the site. Therefore it is concluded that the proposal represents an appropriate response to its setting, with the scale, massing and appearance of the dwelling acceptable in this context.
- 8.7 The distribution and size of windows and doors is considered to be generally discreet and proportional on the north, south and east elevations and is designed to incorporate integral blinds. The south elevation has the greatest concentration of glazing, mainly on the ground floor although any upward light transmission will be mitigated by the balcony above. No rooflights are proposed. The SDNPA Dark Skies Officer has commented that as the property is already within a residential area, the design of the property does not present any significant sources of light pollution with respect to the ambient levels and therefore the impact on dark skies would be small. The Officer does go on to acknowledge that the south elevation, which faces toward woodland is more sensitive to light spill and has recommended the use of low transmittance glazing in mitigation. This can be addressed through the use of appropriate conditions, as can control over the installation of external lighting. It should also be noted that Marleycombe Road benefits from street lighting and this adds further weight to the conclusion that the effect on dark skies would be limited.

Access and highway safety

- 8.8 Access to the proposed dwelling will utilise approximately 21.0 metres of the track leading southward off the turning head of Marleycombe Road before entering the site in its north west corner. Registry documents demonstrate that the section of track immediately in front of the site is in the applicant's ownership, whilst the remaining section back toward Marleycombe Road is owned/controlled by another party on whom the appropriate Certificates have been served. The track is currently overgrown, although the width is adequate to accommodate a vehicle. This aspect of the proposal involves the minor widening of the track to approximately 2.42 metres up to the point of access in to the site. The access itself would be 4.5 metres in width to ensure there is adequate room for vehicles to turn in to and out of the site without overrunning the track margins.
- 8.9 Third party concerns have raised the issue of conflict with other track users and the adequacy of the track to service the dwelling. Forward visibility along this short section of track is reasonable and the boundary hedgerow low enough to see and anticipate other users of this path when emerging from the site. By the nature of the limited width of the track, vehicle speeds would be inherently low and these factors together are considered to ensure that the safety of other track users is not compromised. This conclusion is given added weight in the light of the fact that the Highway Authority consider that, given the context of the proposal to service a single dwelling, there is no conflict with paragraph 32 of the NPPF and that there are no anticipated highway safety or capacity concerns and consequently do not raise objection to the proposal.
- 8.10 It is acknowledged that surfacing of a short section of the track to make it suitable to carry vehicular traffic on a more frequent basis will have a modest impact on its present informal character. However, the sensitive use of a natural, permeable surfacing medium such as crushed local stone would ensure that the short term 'rawness' would rapidly dissipate and vegetation would re-establish, allowing the surface to assimilate into the immediate landscape. The re-graded track is not considered to result in any harm to adjoining trees, given the 'light touch' upgrading treatment proposed. Conditions have been included to ensure that the SDNPA has control over the upgrading works and future maintenance.

Amenities and living conditions of adjoining residents

- 8.11 The nearest adjacent dwelling is 53 Marleycombe Road to the north, sharing the north boundary of the site. The property is two storeys in height and has a projecting first floor window in the south gable overlooking the application site. The ground floor is largely screened by the existing hedgerow along the common boundary. The proposed dwelling is sited 10.0 metres from the north boundary and the building to building distance scales at 15.0 metres. First floor windows in this elevation are limited to two obscure glazed windows servicing a landing and a bathroom. The separation distance between the proposed dwelling and No.53 is considered sufficient to ensure that the development will not be overbearing or dominant. There would inevitably be an increase in the level of activity as a result of the location of the drive and turning area servicing the dwelling, but in the context of the development of a single dwelling in an existing residential area, this is considered to have a limited impact on general living conditions and in itself is not sufficient to warrant refusal of the scheme.
- 8.12 The east elevation is to be built as part of a retaining structure to the east boundary, where there is quite an abrupt change in levels. 1 and 2 Stone Pit Cottages are at a considerably higher level (almost 7.0 metres) than the application site and would be afforded views over the roof of the new dwelling. The grassed flat roofed section together with the receding nature of the pitch of the main roof will ensure that the proposed dwelling would not appear dominant from this aspect.

9.0 **Conclusion**

- 9.1 The scale and massing of the proposed dwelling is addressed through its contemporary form and design and the sensitive use of locally distinctive materials in its construction. Overall this is considered to represent an appropriate and acceptable response to this edge of settlement position within the Camelsdale SPA. The siting of the dwelling within the plot and the disposition of windows on the building will ensure that the development would not have a harmful impact on the living conditions or privacy of occupiers of adjoining properties. Therefore it is considered that the proposal would accord with the aims and objectives of both national and local planning policies and the purposes of designation of the National Park.

10 **Reason for Recommendation and Conditions**

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

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

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

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Agreement of materials

No development shall commence until details, and samples where appropriate, of the following materials to be used in the development (including retaining walls) have been submitted to and agreed in writing by the SDNPA: Bricks, stone and any other wall facing materials, Brick bonds, Mortar mix and finish, Rain water goods (including their relationship with eaves and verges), Slates, tiles and any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

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

4. Details of works to track

No development shall commence until detailed drawings and sections of the proposed upgrading works of the section of track leading to the site have been submitted to and approved by the SDNPA. Such details shall also include the foundation design, finished surface medium to be used, tree and hedgerow protection during construction, a drainage scheme to manage surface water runoff as well as details for its future maintenance. The track shall be upgraded in accordance with the approved details no later than 1) substantial completion or 2) occupation of the dwelling, whichever occurs sooner.

Reason: To enable the SDNPA to control the development in detail to ensure that the resultant works remain compatible with this semi-rural setting.

5. Sample panel

No development shall commence until a sample panel of new facing brickwork/stonework/ tiling or other cladding at least one square metre in size has been constructed on site and agreed in writing by the SDNPA. The panel shall be constructed using the proposed facing materials (brick, stone etc), bonds, mortar and finish to joints. The approved sample panel shall be retained on site and available for inspection until the work has been completed. Thereafter, the development shall be carried out to match the standard of workmanship in the approved panel to the satisfaction of the SDNPA.

Reason: To ensure that the development is undertaken to an appropriate standard.

6. Tree Protection Measures

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

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7. Surfacing materials - Porous

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

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

8. No Extensions, Alterations or Outbuildings

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 Classes A, B, C and 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.

9. Window details

No windows or doors shall be inserted into the building until details have been submitted to and approved by the SDNPA of the following matters

- Details of low light transmission glazing to be used
- Details (including 1:20 sections where necessary) of the integrated blind arrangement to windows and doors and the method of operation.

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

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

10. Small Scale Development Construction and Environmental Management Plan

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 SDNPA. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the SDNPA. 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.
- (l) the hours of operation in relation to construction and deliveries

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.

11. No external lighting

No external lighting shall be installed either on the dwelling or anywhere within the site. This exclusion shall not prohibit the installation of sensor-controlled security lighting, which shall be designed and shielded to minimise light spillage beyond the site boundary.

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

Reason: To enable the SDNPA to control the development in detail in the interests of amenity.

12. Cycle parking

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

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

13. Vehicle parking and turning

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

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

14. Hard and soft landscaping scheme

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

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

15. Landscaping Timing for approved scheme

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 SDNPA.

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

11.0 Crime and Disorder Implications

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

12.0 Human Rights Implications

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

13.0 Equality Act 2010

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

14.0 Proactive Working

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.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Derek Price
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email: dprice@chichester.gov.uk

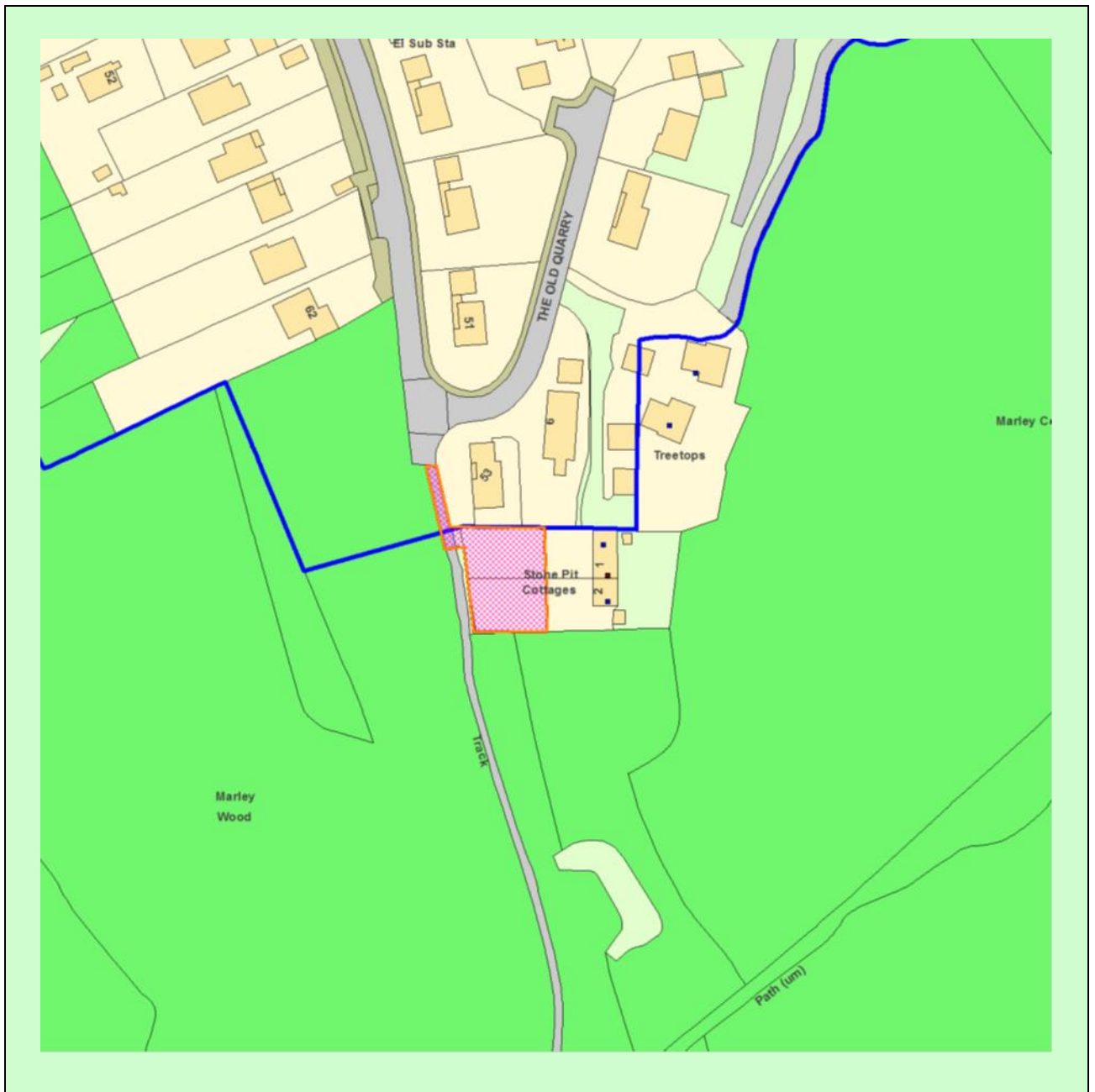
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees Highway Authority, Dark Skies Officer, National Trust.

Background Documents Saved policies of the CDLPFR 1999, NPPF, NPPG, previous planning history.

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - VEHICLES ACCESS & TURNING (A1) ADDITIONAL PLAN	DPA-01	C	28.09.2016	Superseded
Plans - SITE PLAN	DPA-01	REV D	29.06.2017	Approved
Plans - SUBSTITUTE LOCATION, SITE, FLOOR PLANS AND SECTION	DPA-02	REV C	29.06.2017	Approved
Plans - SUBSTITUTE ELEVATIONS	DPA-03	REV C	29.06.2017	Approved
Plans - SITE PLAN (A1)	01	A	01.07.2016	Superseded
Plans - SITE SURVEY	03/14		01.07.2016	Superseded
Plans - SITE PLAN (A1)	DPA-01	B	01.07.2016	Superseded
Plans - LOCATION, SITE, FLOOR PLANS & SECTION (A1)	DPA-02	B	01.07.2016	Superseded
Plans - ELEVATIONS (A1)	DPA-03	B	01.07.2016	Superseded

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

Chichester District Council

PLANNING COMMITTEE

15 November 2017

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

**PROGRESS OF THE S106 AGREEMENT AND COMMERCIAL
NEGOTIATIONS UPDATE**

1. Contacts

Report Author:

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

2. Recommendation:

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

3. Background

- 3.1. This report provides an update on:
- the progress of the S106 Legal Agreement in relation to outline planning application 14/0401/OUT for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works (Phase 1), and
 - the progress of the commercial land negotiations in relation to the delivery of the southern access and the future submission of an outline planning application for the second phase of the development on the West of Chichester Strategic Development Location (SDL) (Phase 2).

4. Progress of the S106 Agreement

- 4.1 Planning application 14/04301/OUT has a Planning Performance Agreement (Phase 1 PPA), updated on 16 January 2017, which sets out the timetable for completion of the S106 Agreement and the issuing of the decision. The Phase 1 PPA states that detailed discussions on the S106 legal agreement were to have been completed by 17 April 2017.

- 4.2 In the previous update to the Planning Committee on 19 July 2017, officers reported that following a review of the latest draft S106 agreement, it was anticipated that the completion of the S106 Agreement would be towards the end of July 2017.
- 4.3 Since July 2017 discussions have taken place between District Council officers, WSCC officers responsible for education and the applicants to resolve the final issues regarding the education provision. The solicitors have subsequently drafted a revised S106 agreement which has now been issued for final comments. The applicant is in the process of providing final comments on this document. It is now likely that the completion of the S106 Agreement will be before the end of November 2017, after which the decision notice will be issued. Subject to this timescale being met, this would represent a departure from the original expected timeline of 7 months.
- 4.4 In the meantime the developers have been progressing work on the first reserved matters application. The proposed timetable for submission of the first reserved matters application is as follows:
- i) First reserved matters application, covering the primary infrastructure and SANGS is anticipated to be submitted in December 2017 with a likely determination date in March 2018.
 - ii) Subsequent reserved matters applications will follow from early 2018 indicatively in the following order:
 - sewage treatment works (if required);
 - first phase of residential (circa 200 dwellings);
 - sports / playing pitches (potentially may comprise a full application for the delivery of the sports / playing pitches for both Phase 1 and 2 rather than a reserved matters application for phase 1 only);
 - community, retail and employment;
 - education (if to be built by the developers rather than WSCC); and
 - remaining residential (circa 550 dwellings).
- 4.5 Assuming this timetable, it is now expected that the first dwellings for phase 1 are anticipated to be delivered in Quarter 3 (July-September) 2019. The anticipated build rate is between 120 - 150 dwellings per year.

5. Commercial Negotiations Update

- 5.1 The Development Delivery Timeline and PPA for the Phase 2 development included a target date for conclusion by the relevant parties of the commercial negotiations with the land owners regarding provision of land required to deliver the southern access by July 2017.
- 5.2 The first stage of the commercial negotiations is the receipt by the developers of confirmation from Bishop Luffa School Academy Trust, the Diocese and West Sussex County Council (WSCC) that the parties are content with the broad specification of the proposed southern access scheme and playing field relocation works to enable commercial discussions to be progressed in

relation to the acquisition of the land required by the developers to implement the new access road and the proposed diversion of Centurion Way.

- 5.3 The following issues have been the focus of discussion between parties:
- a number of design issues relating to the southern access, in particular
 - the relocation of the access into the Academy site from the west to the east of the MUGA currently on campus and the consequential rearrangement of the school campus, and
 - the design of the school bus drop off/pick up area to include a hard separation between the layby and the main road for pedestrians
 - exclusive use of the two playing fields east of the proposed line of diversion of Centurion way by Bishop Luffa Academy rather than for shared community use and the timing of their delivery to ensure the pitches are established for at least two full seasons prior to use by the School, and
 - the need to relocate the academy's existing running track.
- 5.4 It is apparent that negotiations are ongoing to resolve these outstanding issues and the parties met in July, August and September 2017 to discuss options. The current position is that a resolution has been found in relation to the relocation of the access into the Academy site and the design of the school bus drop off/pick up point. Further work has been undertaken regarding the layout of the sports pitches, to ensure sufficient sports provision to meet the needs of the housing development as well as providing exclusive use for the Academy of the two playing fields east of the proposed line of the diversion of Centurion Way. It is expected that the final form of the pitch layout and associated provision of car parking and changing facilities and the southern access alignment will be formally agreed by Bishop Luffa School Academy Trust, the Diocese and West Sussex County Council (WSCC) in December 2017. This will enable commercial discussions to progress in January 2018 and it is understood that these are anticipated to be concluded by September 2018. On this basis it now appears that the Southern Access road may be available for use by construction traffic by March 2021 and full residential traffic by December 2021. Applying the Council's Housing Trajectory this appears likely to coincide with occupation of some 250 dwellings built under phase 1, that is a similar number to that predicted in the Development Delivery Timeline presented to the Planning Committee at its meeting on 11 November 2016.

6. Background Papers

6.1 Development Delivery Timeline.

Agenda Item 17

Chichester District Council

Planning Committee

Wednesday 15th November 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
BI/16/00933/OUT PI (J Bushell)	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane, Birdham, Chichester, West Sussex, PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.
CC/17/00874/DOM WR (M Tomlinson)	2 Beech Avenue, Chichester, PO19 3DR - Detached double garage and boundary wall and gates.
EWB/16/00492/FUL WR (J Cross)	Ashbury, Kimbridge Road, East Wittering, West Sussex, PO20 8PE - Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.
SY/16/03696/DOM WR (J Cross)	Portsoy, 16 Bonnar Road, Selsey, PO20 9AT - Retention of single storey front extension.

WR/ 17/00934/FUL WR (M Tomlinson)	Old Helyers Farm, Kirdford Road, Wisborough Green, RH14 0DD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.
WW/ 17/00410/DOM WR (R Ballam)	Little Orchard, Summerfield Road, West Wittering, Chichester, West Sussex, PO20 8LY - Retrospective erection of replacement front boundary fencing.

2.DECISIONS RECEIVED

Reference/Decision	
SDNP/17/00030/APNB Bepton WR (R Grosso MacPherson)	Padwicks Farm, Whites Lane, Bepton, GU29 0LY - Agricultural storage building.
<p>"... The existing barn and shed are listed and have received planning permission and listed consent into holiday accommodation. However the shed and barn have limited external openings with significant low internal height areas restricting the practical storage for machinery and storage. Based on the equipment and machinery detailed, necessary alterations to these listed buildings would be likely to harm their historical and architectural qualities and significance. ... However the sheep farming operation would be significantly changed on the holding and therefore it is not unreasonable for the Appellant to be able to use his own machinery and equipment. ... The building would provide storage for a sheep topping unit and even if the covered feed storage area is small, this would suggest that the size of the farm building would not be overly large for its intended purposes. ... the AJS provides a good justification for the new agricultural building, and how it would be used for the changed farming operation on the holding involving greater all year round sheep presence and 'in-house' use of machinery and equipment. For all these reasons, the building would be reasonably necessary for the purposes of agriculture. ... The Appellant's agent has indicated that his normal business hours are up to 1730 hours during the working week. ... However, if was, it would still have been outside of the agent's normal business hours. The Authority has provided copies of email correspondence sent to the agent after 1730 hours but this only provides a snapshot of the working times of the Appellant's agent during the year and so cannot be representative. Moreover they could simply indicate the agent's presence on an ad hoc basis to catch up on a heavy workload. The Authority states that the agent's business hours are not published on the company website or other media. Nevertheless this merely emphasises the need to check them further if such an important notice was required to be sent within a prescribed deadline. For all these reasons, the decision notices should be treated as being received the next working day and therefore, the development could have proceeded given my previous comments on the reasonable necessity test. ... "</p> <p>COST DECISION</p> <p>"... The applicant claims no reference was made to the AJS. No specific reference was made to the document in either the officer's report or the decision notices. However the report has referred to the applicant's existing and future agricultural storage supporting the Authority's position that it considered the AJS. Furthermore the AJS has been</p>	

referenced within its appeal statement to support its case. On this basis, the Authority's approach has not been flawed by omitting due consideration of the AJS. ..."

[CC/16/03892/ADV](#)
WR (R Ballam)
Part Allowed, Part
Dismissed

Crew Clothing Company, 57 - 58 South Street, Chichester
West Sussex, PO19 1DS - Non-illuminated 2 no. fascia
signs and 1 no. hanging sign. Linked to 16/03895/LBC

"Appeal A: The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent. I allow the appeal insofar as it relates to works to the shopfront, glazing and signage, and I dismiss the appeal insofar as it relates to the striped painting, and hanging sign. I grant listed building consent for the repair and redecoration of the shopfront and fascia signage ... subject to the following condition:

1) The floor mosaic located within the entrance alcove of the property shall be preserved in its entirety and shall remain uncovered and unaltered thereafter.

Appeal B: The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent. I dismiss that part of the appeal that relates to the hanging sign. I allow that part of the appeal that relates to the fascia signage (sign 1 and sign 2) ... The consent is for five years from the date of this decision.

The main issue is the effect of the proposals on the significance of the listed building and the character and appearance of the Chichester Conservation Area.

The hanging sign. The Guidance states that within the historic city of Chichester hanging or projecting signs are not normally allowed, and within the four main shopping streets where street widths are generous and shop frontages wide, fascia signs provide sufficient advertising potential. The shopfront is within a listed building and is within one of the wider parts of one of the four main shopping streets. ... the sign in place here causes visual clutter and disrupts the layout of the upper windows with the attractive detailing of their surrounds.

The lettering and fascia logo. There is little or no perceptible difference between the appeal lettering and other examples of stand-off lettering nearby... The view taken in these Decisions is that bearing in mind the narrow font and the small depth, no visual harm occurs.

The painted striped treatment of the central pilaster. As explained in the Guidance, pilasters, along with the items that make up the entablature are a historic, and highly attractive, reference to the ancient 'orders' and provide a frame for the shop's openings and a visual support for the masonry above. The appeal shopfront is a good example of this principle, containing as it does three consoles supported on pilasters with the fascias spanning between. The central one displays to good effect the three elements referred to in the Guidance; a plinth, a trunk and a capital. The trunk has fluting as a further attractive, classical reference. The striped treatment fails to relate well to panelling within the reveal, and fails to relate attractively or appropriately to the classical features of the pilaster, and this causes visual harm to the listed building and its setting within the conservation area.

Replacement of glazing and fascia timberwork. The glazing is described by the appellant as having been a hazard to the public. In addition, like-for-like repairs would be permissible, and with the exception of the items specifically found against in this Decision, the resulting arrangement appears attractive and well-executed. On that basis, consent should be granted.

The level of harm is 'less than substantial'. It is clear from the photographs provided that there has been some improvement over the previous presentation of the shopfront and the economic benefits of the use of the shop are public ones. Those considerations do not however outweigh the harm identified, as the benefits could be delivered without the necessity for the hanging sign and striped paint."

<p>CC/16/03895/LBC WR (R Ballam) Part Allowed, Part Dismissed</p>	<p>Crew Clothing Company, 57 - 58 South Street, Chichester West Sussex, PO19 1DS - Repair and redecorate shopfront, proposed signage and interal refit. Linked to 16/03892/ADV</p>
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As above

<p>CC/17/00002/FUL WR (P Hunt) Dismissed</p>	<p>46 South Street, Chichester, PO19 1DS - Attic storey extension to create an additional apartment.</p>
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Conservation Area and listed buildings

"...Although a more modern building than most along South Street, the proportions of the front elevation of no. 46 reflect those of the surrounding Georgian buildings, such that it is in keeping with the surrounding area...The proposal would provide an extra storey above the building, with a pitched roof to the front with side gables. The eaves of the resulting building would be above those of both Richmond House and no. 45, although the ridge would be below that of no. 45. The additional height of the building at both eaves and ridge, combined with the gabled roof and dormer windows, would result in a building that would be prominent in views along the street and dominate those listed buildings to either side. In addition, the bulk of the proposed roof would have a discordant effect on the proportions of the building...Views are afforded over the open car park [to the rear] and the buildings fronting South Street, including no. 46, toward the spire of Chichester Cathedral, which is listed Grade I... an additional floor would result in a building that would be taller than most other buildings in this view and would result in some harm to views toward the Cathedral from South Pallant...

That additional height would also mean the resulting building would increase the existing domination of Richmond Cottage by neighbouring buildings. Richmond Cottage is a two storey building with a much more domestic scale than most surrounding buildings...the proposed development would harm the setting of 45 South Street and Richmond House, Richmond Cottage and Chichester Cathedral and would not preserve or enhance the character and appearance of the Chichester Conservation Area. That harm to the significance of the heritage assets of 45 South Street, Richmond House and Chichester Conservation Area would be substantial. The harm to the significance of the heritage assets of Richmond Cottage and Chichester Cathedral would be less than substantial...

Living conditions

The close knit nature of development surrounding 46 South Street means that garden areas are generally modest and dominated by surrounding development. However, the additional floor in this case would materially increase the dominance of the building on the rear windows of Richmond House and the outside amenity area. Although the new roof would not extend alongside the garden to Richmond Cottage, it would be in close proximity to it and would significantly increase the dominance of the building on the windows and garden of that property. For these reasons, I conclude that the proposed attic storey would have an adverse effect on the living conditions of neighbouring

occupiers of Richmond House and Richmond Cottage with particular regard to outlook...Chichester and Langstone Harbours Special Protection Areas ...in the absence of an appropriate planning obligation or how any financial contributions would be spent in line with the CIL Regulations, I conclude that the development would harm the Chichester and Langstone Harbours SPAs. As such, the development is contrary to Policy 50 of the LP and the Habitats Regulations that seek to protect the SPAs from development that would affect their integrity.”

[CC/17/00416/DOM](#)
WR (P Hunt)
Dismissed

Clydesdale Lodge, 44A Caledonian Road, Chichester
PO19 7PJ - Rear first floor extension with a roof garden.

The appeal is dismissed.

...The proposal would comprise an extension to Clydesdale Lodge to provide a room at first floor level with roof garden provided above and surrounded by a glass railing. This would result in a substantial wall a short distance outside the office window closest to the front of Forum House. Such a wall would dominate the room inside that window... the proximity and height of the proposed wall in relation to that window would result in a material loss of daylight and sunlight through that window. The proposed development is located within Chichester Conservation Area. It would be located to the rear of the building such that it would not be visible other than from very limited vantage points, and has been designed to reflect the character and appearance of the remainder of the building. As a result, it would protect the character and appearance of the conservation area, thereby not affecting the significance of the heritage asset.”

[SDNP/16/05784/FUL](#)
Fernhurst WR
(R Grosso
MacPherson)
Dismissed

Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.

"... By reason of the dispersed siting of buildings, landscape topography and trees, there is also a distinctive rural quality to the Conservation area. Together with the richness of construction materials, the rural, historic and architectural qualities form the defining characteristics of the Conservation Area. These characteristics are of significance and value, and are of special interest to the Conservation Area. ... the existing building does have a great landmark quality by reason of its position and relationship at the end of a long drive and within a landscaped setting, including a former walled garden. This relationship also still helps to illustrate how the Ashurst estate was developed and functioned. Much of the original form of the building is also identifiable with its double row of pitched roofs and side gables. ... Given Ashurst's function as a country house within the Edwardian estate, there is a historical significance to the driveway, unloading/parking area and walled garden for these reasons. ... have value for present and future generations by reason of its historical and architectural qualities for the reasons previously indicated. For these reasons, it merits consideration as a non-designated heritage asset despite more recent works. ... Given the historical significance of the access drive layout and the walled garden, such works would adversely affect the significance of Ashurst as an Edwardian country house. ... Even with planning conditions, an exact re-creation of Ashurst in its original Edwardian form and architecture would also be difficult due to the need for works to be undertaken in accordance with

modern standards and modern building regulations. Therefore, the new development taken as a whole, would not satisfactorily reinstate Ashurst as an Edwardian country house within the Ashurst estate part of the Conservation Area. Moreover, it would fail to preserve the character and appearance of the Fernhurst Conservation Area by reason of the changes to the drive, forecourt and walled garden. In terms of sustainable development ... there would be adverse impact on the Conservation Area and such environmental harm would outweigh the economic and social benefits and thus, the development would not be sustainable. ..."

SDNP/17/01197/FUL Harting WR (D Price) Allowed	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.
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"... While the replacement house would be taller and have a deeper floorplan than the existing house, I consider it would sit comfortably within the site, without it appearing domineering in the CA's streetscene. The new house would be of a fairly traditional form and it would be clad in materials that would be compatible with the vernacular found in the area. ... I am not persuaded that the replacement house would have an assertive or dominant built form in the CA. That is because the houses in this CA exhibit much variation, in terms of their design and scale, and it is that variety which characterises the CA. ... The house would be in keeping with the sporadic pattern of development in the area and I therefore consider it would be in sympathy with the character and appearance of the NP. ... I therefore find that there would be no conflict with the statutory purposes for the NP's designation. ... I therefore consider that the new siting would give Hollist Farm House a more spacious setting. .. I therefore find that the listed building's setting would be preserved. ... "

SDNP/17/00178/HOUS HEYSHOTT WR (J Shore) Dismissed	Cottage On The Green, Peace Road, Heyshott, Midhurst West Sussex, GU29 0DF - Demolition and replacement of detached annexe.
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"... whilst its width fronting Peace Road would be the same as the existing annex, the proposal would be of a considerably greater size and massing than the existing annex. Its high roof in comparison to the existing outbuildings, including a dormer window to the first floor bedroom, would appear as unduly dominant in this location. As a result, in this location at the front of the site, it would be significantly more prominent and visually intrusive than the existing building. It would also have its own separate parking area, extending the existing hardstanding associated with the stables/car port building... As a result of these factors, I consider that the proposal would result in considerable harm to the setting of the listed building 'Cottage on the Green' along with the general historic character and setting of the area. Whilst its impact would be restricted to the immediate vicinity of the site, it would also result in limited harm to, and therefore would not conserve the landscape and scenic beauty of the South Downs National Park. In the context of paragraph 134 of the National Planning Policy Framework ('the Framework') the harm to the setting of the listed building would be less than substantial. However, this would not be outweighed by any public benefits of the proposal... The existing annex includes a bathroom and kitchen recess and hence it is largely self-contained, though it

offers more limited overall accommodation in comparison to the proposed annex... Though I do have some concerns in this regard given the separation of the proposed building from the main dwelling and the level of accommodation proposed, the appellant is clear that the building is proposed to be used as an annex and not a new dwelling and it would also replace the existing annex in a similar location. I have no reason to doubt the appellant intention... "

<p>LX/16/03406/FUL WR (P Hunt) Dismissed</p>	<p>Mallards Farm Buildings, Guildford Road, Loxwood, RH14 0QW - Change use of existing stables into 4 no. residential holiday lets.</p>
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"The appellant contends that the building is surplus to requirements and because of recent land sales, there are no parcels of land suitable or grazing that a livery would require. The appeal building is a reasonably attractive structure constructed in a vernacular style and the simple, traditional form and appearance is entirely typical of such buildings in this rural area. In this regard I do not share the Council's view that it is not worthy of retention...Policy 2 refers to Policies 45 and 46 and taken together these allow sustainable development in the countryside subject to a number of criteria being met... The appellant has provided an extract from an online search that shows other available accommodation in the locality¹. However, this does little to demonstrate demand for such accommodation and there is nothing substantive before me to demonstrate a need on this particular site or that it could not be accommodated within existing settlements. Furthermore, I am not persuaded that a potential partnership with a local public house which seeks to secure 50% occupancy, satisfactorily demonstrates that such requirements have been complied with...Despite the presence of other development within the vicinity of the dwelling, it was evident from my site visit that the appeal site is remote from services and facilities... In my view, future occupants would not choose to walk or cycle to them as they would be unlikely to perceive the route as safe or convenient, especially in inclement weather and at night... Future residents would have little choice other than to be heavily reliant on car based journeys...Furthermore, I have no evidence before me that the proposal would result in any meaningful enhancement or maintenance of the vitality of rural communities. The Framework supports the re-use of redundant or disused buildings where this would lead to an enhancement to the immediate setting... However, the building was not dilapidated nor was it causing harm to the visual interests of its surroundings. I am not therefore persuaded that the proposal would lead to an enhancement of its immediate setting...Although there would be compliance with parts of the development plan in terms of the building being worthy of retention, I give greater weight to my findings that in this particular case, the proposal would conflict with Policies 2, 30, 45 and 46 in terms of the demonstration of need, proximity to services and facilities and the Framework.

<p>SDNP/16/04426/FUL Midhurst WR (J Shore) Dismissed</p>	<p>Land to The rear of Fourwinds, Chichester Road, West Lavington, Midhurst, West Sussex, GU29 9QE - Construction of detached 5 bedroom dwelling.</p>
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"The appeal is dismissed... By siting the dwelling much closer to the northern boundary there would be less space around in comparison with the dwelling subject to the extant permission. While the density of the currently proposed development would be the same

as the subject to the extant permission, I consider that the former would lack the spaciousness of the latter. I consider that the relative development would lack the spaciousness exhibited by the vast majority of the dwellings in the immediate vicinity of Four Winds. I therefore consider the amount of space around the whole of the dwelling would not be respectful of its surroundings... any additional planting, while being capable of softening the appearance of the dwelling, would of itself not alleviate the tightness of the dwelling's siting relative to the northern boundary... I therefore conclude that the development would cause unacceptable harm to the area's character and appearance. There would therefore be conflict with saved Policies BE11 and BE13 of the Chichester District Local Plan of 1999 (the Local Plan) and section 7 (Requiring good design) of the National Planning Policy Framework (the Framework)... The Council contends that there would be conflict section 11 (Conserving and enhancing the natural environment) of the Framework because the dwelling would be in the South Downs National Park (NP). However, the dwelling would be surrounded by other dwellings and would not be seen as a new built development in the NP's undeveloped landscape. I therefore consider that there would be no conflict with section 11 of the Framework or the purposes for the NP's designation... The tree would therefore be capable of providing some privacy screening. However, if the tree was to be removed for any reason then I consider that the occupiers of Cedars would experience an actual or perceived loss of privacy because of the dormer window's presence, given its height and proximity of the northern boundary. There has already been some history of an Ash tree being lost to storm damage and there can be no guarantee that the tree would not be similarly affected or removed for some other reason. I therefore consider that in order to safeguard the privacy of the occupiers of Cedars there would be undue reliance on the tree's presence. While it would be possible for the dormer window to be installed with obscure glazing, I consider that would have an unacceptable effect on the outlook for the fourth bedroom's users. I therefore consider it would be inappropriate for a condition to be imposed requiring bedroom four's window to be installed with obscured glazing...the screening provided by that planting would only be effective for so long as it remained in-situ and there can be no guarantee that it would remain in place in perpetuity. In that respect I consider that a reasonable planning condition could not be imposed requiring the existing, and any additional planting, to be maintained at a height and density that would mitigate the effect on the outlook for the occupiers of Cedars arising from the dwelling being sited 3.0 metres from the northern boundary.

I conclude that the development would cause unacceptable harm to the living conditions of the occupiers of Cedars. There would therefore be conflict with Policy BE11 of the Local Plan because the development would have an unacceptable effect on the living conditions of a neighbouring dwelling..."

PS/13/00015/CONCOU
I (R Hawks)
Dismissed

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.

3 Appeals at Crouchland Farm, Plaistow Road, Kirdford, Billingshurst, West Sussex, RH14 0LE

Ground (a)

The baseline position...

It will be necessary firstly to determine whether the 'baseline' position in the appellants' vocabulary and the 'fall-back position' in that of the Councils can be achieved without the need for further consents then, secondly, to consider whether there is a realistic prospect that they would be implemented if planning permission is refused. If the baseline proposals pass these tests, weight can be attributed to them commensurate with the likelihood that they will be implemented. A comparison would then be made between the impacts of the development for which planning permission is sought and the realistic situation likely to occur if the appeals are dismissed... The situation at present is therefore that, for the baseline scenario to be operable, further site works and investment in capital equipment and livestock would be needed. Even if an EA permit were to be forthcoming in the future, the fact is that it had not been issued at the time of the Inquiry. Consequently, even if the appellants' baseline scenario were not a material change of use, it could not be implemented at present and whether it could be put into place in the future is still dependent on a number of variables....In conclusion, that whilst some of the queries raised do not indicate that the baseline scenario would be impractical or unrealistic, there are nonetheless other concerns that have not been satisfactorily overcome by the appellants' arguments. These indicate that, even if the baseline scenario was authorised and more than a theoretical possibility and, despite the stated intention to do so, the likelihood of it being able to be implemented is, at best, uncertain and the weight that I will attach to this possibility when considering the planning applications is consequently limited...

Planning considerations

With that in mind I will now consider the merits of the development enforced against and for which planning permission is sought under the appeals on ground (a) and the application that is the subject of Appeal C...

Highway safety

I agree that the use of the lanes for the number of HGVs proposed would create a situation where local residents felt unsafe and mitigation measures are necessary.... the suggested changes would not result in any significant improvement to the free flow of traffic in Foxbridge Lane or contribute to the safety of pedestrians and riders to any meaningful degree...the improvements would cause a degree of harm to the rural character of this country lane through the loss of the roadside trees and the additional areas of hard surfacing and, whilst this would not be severe, it would nonetheless have a detrimental impact...

Living conditions

I consider that, although the local residents are bound to be subject to a certain amount of HGV traffic noise and disturbance from the operation if the problem of the unauthorised flare is overcome, any increase in the number of HGV trips would prove detrimental to their living conditions. Again, this is a factor that conflicts with WLP policy 19...

Landscape character and impact

...the unauthorised operational development has turned the appearance of the complex of farm buildings from expected from agricultural operations in the countryside into a large scale industrial plant... The lagoon... it is a large structure that appears as a somewhat alien man-made intrusion in the otherwise largely undeveloped area... that the impact of the unauthorised development is more than minimal and this policy conflict adds additional weight to the arguments against the grant of planning permission...

Need for/siting of the facility

...The Facility would have the advantage of providing additional waste recovery capacity for which there is an identified need in the WLP...the proposed additions to the plant would take it over the size considered to be 'small scale'... there is no existing permission for a stand-alone waste management facility... Overall, I conclude that whilst there are advantages in respect of providing an additional waste management facility to meet an identified need, this particular proposal does not meet the requirements of policy W3 and is consequently not supported by the Development Plan in this respect...

Heritage assets

...whilst it is possible that there is no harm I am not able to conclude that this would be the case without an assessment of significance for the heritage assets...

Conclusions

...the scale of the operation is such that it would amount to an industrial process to which the original farming enterprise would then be subservient. The Development Plan policies discussed above resist the location of such industrial development in the countryside... The noise and vibrations from the traffic would be unacceptable in this rural location and detrimental to the character of the area, thereby conflicting with Development Plan policies....I conclude that the conditions would not serve to make the development acceptable....Therefore I conclude that, in the scenario where the baseline position is not authorised and no weight can be accorded to it, the adverse impacts of the proposal are not outweighed by the benefits of the development....I shall uphold the enforcement notices, with corrections and variations, and refuse to grant planning permission on the deemed applications...

Ground (g)

...I agree that the time taken to de-commission and remove the unauthorised equipment will be likely to be more than the 6 months allowed in the enforcement notices, and I will therefore vary this accordingly. In respect of the time needed to cease the unauthorised change of use...ground (g) appeal in respect of requirement (i) of Appeal B fails...

Costs Decisions

The application for an award of costs is refused

The submissions for the Parish Councils

...the application for partial award of costs relates to the claim that the appellants have failed to follow procedure through submitting the final version of their baseline report shortly before submission of proofs of evidence. The Council say that this caused them wasted expense through having to substantially revise their evidence on receipt of the updated document... I consider that the Parish Councils should have been aware that the document was likely to evolve... The fact that the Parish Councils has prepared their evidence before the final version was issued is unfortunate for them but I do not find that it was unreasonable for the appellants to have made revisions within this timescale... the assumption made by the Parish Councils that the January version was the final iteration was taken at their own risk. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

SDNP/16/00334/COU
Stedham
H (Shona Archer)
Dismissed, notice upheld

The Old Studio, Bridgefoot Lane, Stedham, West Sussex,
GU29 0PT – appeal against an enforcement notice: Use of
annexe as a self contained residential unit.

“...Appeal dismissed, notice upheld and planning permission refused...The Old Studio was originally a garage which at some time became used as an artist’s studio... Until January 2008, the studio had been an outbuilding in the grounds of No 5 and used by a Mr Leazell as an art studio but in that year flooding of No 5 led to the occupier moving out of the dwelling into the studio to live, until 2011... In May 2016 an appeal by the current appellant against the refusal of a Lawful Development Certificate (LDC) for ‘use of the Old Studio as a self-contained residential unit for a period in excess of 4 years’ was dismissed (APP/Y9507/X/15/3134748). The inspector determined on the facts before him that two dwellings had existed – No 5 and the Old Studio; and, that a new chapter in planning history opened in July 2013 when the Old Studio was hived off to form a separate unit of occupation from the cottage at No 5. The appellant continues to live in the Old Studio... He states that his intention with the LDC application was to regularise the use of the Old Studio in order that a planning application could be submitted for its replacement. In view of the LDC decision, the parties have concluded that two planning units now exist and that neither the Old Studio nor No 5 (which does not form part of this appeal) has any current lawful uses.

The appeal on ground (a)

The site lies outside the settlement policy area for Stedham... The development does not fall within the exceptions for new isolated homes in the countryside... The Old Studio...is also prominent within the setting of the listed terrace through its size, its elevated position and its close proximity to the listed terrace which is also an indicator of the functional relationship with No. 5... The appeal building is of little architectural merit which has been extended over the years either with or without express planning permission... The emerging South Downs Local Plan Strategic Policy 26 (June 2017) relates to the delivery of new housing and identifies a potential allocation of 18 homes... at Stedham Sawmill... The Parish Council is preparing a Neighbourhood Plan ...Although... there is an absence of a 5 year housing supply... allowing this appeal would not significantly reduce the need to build additional housing elsewhere in the village and would not overcome the harm caused... I consider that the development would be harmful to the living conditions of occupiers of the Old Studio and adjoining dwellings... It is also harmful to the character and appearance of the South Downs National Park where there is a statutory duty to conserve and enhance the landscape and natural beauty of the area and harmful to the setting of the listed building and the character of the Conservation Area. The appellant considers that if the appeal is dismissed then the Old Studio would be vacated and become redundant, and that this would represent a fallback position. ... A more realistic fallback position is that the Old Studio reverts back to its original lawful use as an ancillary outbuilding to the dwelling at No 5 which is a situation that the Council supports although it is accepted that there is no current lawful use of the outbuilding. Whilst planning permission would be required, this would be the most appropriate use of the outbuilding and it would reflect its original function and relationship with No 5... I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application...”

[SDNP/16/01317/LDE](#)
Wisborough Green
PI (J Shore)

Mockbeggars, Horsebridge Hill, Bedham, Wisborough Green, RH20 1JP - Application for a certificate of lawfulness for an existing use relating to use of land as residential curtilage.

APPEAL WITHDRAWN

APPEALS AT SUMMERFIELD COTTAGE, GRAFFHAM STREET, GRAFFHAM GU28 0NP AND 'NEW BARN COTTAGE', NEWBARN LANE, LORDINGTON, STOUGHTON PO18 9DU

Letter dated 29.09.2017 received from PIN's in respect of the above appeals which were both allowed.

I write further to my letter of 15 September 2017 and your letter of 24 August 2017.

I am sorry to read of your concerns regarding these appeal decisions and would ask that you please accept my sincere apologies for the length of time it has taken to reply. However, it has been necessary to seek the views of the Inspector and other colleagues during the course of my investigation. I will deal with each appeal individually.

**Summerfield Cottage, Graffham Street, Graffham GU28 0NP
(APP/Y9507/D/17/3171533)**

Firstly, you have commented that the Inspector failed to take previous appeal decisions into account. It is the responsibility of the parties to ensure that all the evidence which they wish to be taken into account is submitted at the appropriate time. The appeal decisions, to which you refer, were not before the Inspector in his consideration of this appeal. It is important to note, also, that rarely, if ever, are two applications for planning permission likely to be identical in all factors. It is through the objective consideration of the individual merits of the proposed scheme, the evidence submitted by the parties and the relevant local and national planning policies that a consistent approach to decision making is achieved.

However, it is acknowledged that, whilst the Inspector sets out the statutory duty and notes the relevant policy background, he has failed to carry out the correct weighing exercise set out in paragraph 134 of National Planning Policy Framework (The Framework) albeit he has identified harm and that it is less than substantial. It is acknowledged, also, that the Inspector has failed to mention the National Park nor is there any consideration of this matter, even though it formed part of the Council's case. A significant justified complaint has been recorded against the Inspector for this appeal.

**New Barn Cottage, Newbarn Lane, Lordington, Stoughton PO18 9DU
(APP/Y9507/D/17/3175809)**

I would explain that, although the Inspector will have considered carefully all of the evidence before him, it is not necessary for every point raised to be mentioned as the appeal decision is intended to cover just the main issues in dispute. It is important to note that, as the appeal decision is a legal document, the Planning Inspectorate's complaint service is unable to add to or interpret the reasoning provided by the Inspector.

However, from my reading of the appeal decision, as a whole, it is clear that the Inspector has set out the historic interest and has identified only minor harm, a judgement to which he was entitled. This is balanced by the wording that the 'benefit of creating a much more useful dwelling outweighs the harm to the architecture of the original building'. Paragraph 135 of the Framework states that, 'In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement

will be required having regard to the scale of any loss and the significance of the heritage asset'. It would appear that the Inspector has done this albeit that it is acknowledged that the Inspector could have been more explicit, particularly as the relevant policy was submitted as part of the Council's case.

However, it is acknowledged that the Inspector has failed to address the location of the appeal site in the National Park in accordance with paragraph 115 of the Framework. The failure of the Inspector to deal with such a material consideration particularly as the relevant policy and references in the Framework formed part of the Council's case and reason for refusal was remiss. This has been recorded as a significant justified complaint. Notwithstanding our findings, this omission would not necessarily have affected the overall outcome. The Inspector states, in paragraph 10, that the proposed extension 'would not, however, have any significant impact on the wider surrounding area or on public views'.

Please accept our sincere apologies for these errors and omissions. We strive for an output which is free from mistakes but sometimes they do occur. Inspectors are provided with regular training and updates on planning matters and are subject to ongoing performance management measures. The Planning Inspectorate aims to provide a high quality service and, where errors do occur, these are collated and considered to prevent recurrence. As you are aware, the only way that an appeal decision can be reconsidered is following a successful challenge in the High Court, during the period specified in planning law.

I would thank you for bringing your concerns to our attention. Once again, please accept our sincere apologies for the omissions made by the Inspector.

3.OUTSTANDING APPEALS

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.
FU/16/03868/FUL WR (C Boddy) In progress	Cotfield, Funtington Road, Oakwood, East Ashling PO18 9AL - Conversion of existing outbuilding to residential annexe.
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 a 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 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
NM/17/00838/ELD I (C Boddy) Public Inquiry to be held at 10am 20 th and 21 st March 2018 at CDC, Committee Room 1	Field House, Vinnetrow Road, Runcton, PO20 1QB - Erection of building and its use as a dwellinghouse.
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.
SI/16/03906/FUL WR (C Boddy) In Progress	Land To The North Of Sunnybrook, Highleigh Road Sidlesham, West Sussex - New dwelling house, garden, greenhouse and ancillary landscaping.
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 Awaiting Decision	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/15/00109/OPDEV Stedham WR (R Hawks) In progress	Field South of The Old Stables, Mill Lane, Stedham, Midhurst, West Sussex, GU29 0PR - Laying of hard surface access track. Appeal against Enforcement Notice
SDNP/17/00294/FUL Sutton WR (B Stubbington) In progress	1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/0149/HOUS and SDNP/12/12050/LIS).
SDNP/17/00295/LIS Sutton WR (B Stubbington) In progress	1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow
WE/16/03010/FUL I (C Boddy) Public Inquiry to be held 10am 1 st and 2 nd May 2018 at CDC Committee Room 2	Racton View, Marlpit Lane, Hambrook, Westbourne, PO10 8EQ - Retention of mobile home for a temporary period of 3 years (revised application further to 16/01547/FUL).
SDNP/16/00069/COU Upwaltham I (Shona Archer) Public Inquiry to be held 10am 31 October and 1 November 2017 at CDC Committee Room 2	The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – appeal against an enforcement notice - use of workshop as single dwelling.
WW/17/00533/FUL WR (P Hunt) In progress	37 Marine Drive West, West Wittering, Chichester West Sussex, PO20 8HH - Demolition of existing property and construction of replacement dwelling.
WR/16/02717/OUT PI (Rhiannon Jones/Naomi Langford) Public Inquiry to be held 10am 30 January – 2 February 2018 at CDC Committee Room 2	Stable Field, Kirdford Road, Wisborough Green West Sussex - Outline with some matters reserved - access. 1 no. village doctors surgery (use class D1); village community uses (use class D2) to include outdoor activity area, activity room, gym, community building, 30 extra-care units (use class C2) to include affordable accommodation, community allotments and landscaped recreational areas. With associated new vehicle, pedestrian access, ancillary uses and infrastructure.

4. VARIATIONS TO SECTION 106 AGREEMENTS

NONE

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land at Newells Lane, Funtington	Development of five pitches with access track and hardstandings	<p>Application for Injunction granted against Mr Frederick Bath who purchased and developed the land. The owner of the adjacent land, Mrs D Sullivan gave an undertaking to the Court not to carry out or allow others to carry out any work/development. Court hearing on 25 September to consider whether injunction should be confirmed.</p> <p>25.09.2017: District Judge Ellis at Chichester County Court granted a full and indefinite Injunction against Mr Frederick Bath and added Mr Joseph Smith as 4th defendant as the person now in possession of the land (1st defendant remains Della Sullivan, Frederick Bath as 2nd defendant, persons unknown as 3rd defendant) . The Court ordered that the 2nd defendant, Mr Bath, pay the Councils costs in this matter of £2,742.25 by 4pm on 9 October 2017. The Injunction will fall away if planning permission is granted for the use and development of the land as five gypsy pitches. Injunction against Mr Smith,</p>

		under the same terms as the one against Mr Bath, granted.
Court Hearings		
Site	Matter	Stage
Land at Decoy Farm, Oving	The Council is seeking payment of its costs (£27,473.83) incurred from carrying out default works under section 178 of the T&CP Act 1990 to secure compliance with ENs O/10 and O/11 to clear the land and demolish a building	<p>The defendants are opposed to the Council's claim and have entered a counter claim stating that the Council exceeded its powers when it appointed contractors to enter land and carry out the requirements of the notice(s) .</p> <p>A Case Management Conference Hearing took place at Worthing County Court on 21 August 2017. The Judge held that the defendants and the claimant should present the case at a Pre-Trial Review Hearing in April 2018 (statements and other evidence to be exchanged before then) with a Trial to be set in June 2018. Costs budgetting is to be agreed by the parties by 21 Sept 2017.</p> <p>Both the Council Claimant and Defendants have asked the court to grant an extension to agree each other's costs. Awaiting court's decision.</p> <p>Court Order received for Pre-Trial Review listed on 24 April 2018 at Brighton County Court. Before then, both parties will need to comply with several directions as ordered by the court in relation to filing and serving of documents in support of the claim and defence.</p>

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

NONE