

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 14 March 2018 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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** (Pages 1 - 5)

The minutes relate to the meeting of the Planning Committee on 7 February 2018.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 15 (b).

4 **Declarations of Interests** (Pages 6 - 7)

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

- 5 **CC/17/03357/FUL - Providence Works, Lyndhurst Road, Chichester, West Sussex, PO19 7PF** (Pages 8 - 27)
Demolition of existing structures, construction of 4 no. dwellings and associated landscape works.
- 6 **CC/98/02043/OUT - Warrendell, Adjacent To Centurion Way Off Plainwood** (Pages 28 - 53)
Outline application for the erection of 21 dwellings with associated vehicular access, parking and landscaping.
- 7 **EWB/17/01259/FUL - Billy's On The Beach Kiosk, Bracklesham Lane, Bracklesham Bay, Chichester, West Sussex, PO20 8JH** (Pages 54 - 68)
Proposed decking with ramp and retractable canopy.
- 8 **SB/17/02596/FUL - Land At 5 Barnfield Close, Southbourne, Emsworth, Hampshire, PO10 8NH** (Pages 69 - 80)
Erection of 1 no. dwelling.
- 9 **WH/17/03466/FUL - Land East of Claypit Lane, Adjacent to Rolls Royce Motor Cars, Maudlin, Westhampnett, West Sussex** (Pages 81 - 103)
Proposed development of a new car park for Rolls-Royce Motor Cars including dedicated car park for The March Church of England Primary School, associated new access from The Drive and egress onto Claypit Lane, and associated infrastructure works, including landscaping and ground remodelling.
- 10 **WW/17/03316/OUT - Merston Cottage, Chichester Road, West Wittering, PO20 8QF** (Pages 104 - 111)
Construction of traditional style barn for storage of own chattels - Removal of Condition 5 of planning permission WW/93/01197/OUT - to allow guests, friends and family members to be able to stay in the barn overnight.
- 11 **SDNP/16/03326/FUL - Garden of 1 Stone Pit Cottages, Marleycombe Road, Camelsdale, Linchmere, West Sussex** (Pages 112 - 127)
Proposed dwelling.
- 12 **SDNP/17/05519/FUL and SDNP/17/05520/LIS - Foresters Arms, The Street, Graffham, Petworth, West Sussex, GU28 0QA** (Pages 128 - 141)
Single storey rear extension.
- 13 **SDNP/17/06386/CND - Land at Homes of Rest, Graffham Street, Graffham, Petworth, West Sussex, GU28 0NW** (Pages 142 - 156)
Demolition of four semi-detached houses and the erection five houses, consisting of three detached and two semi-detached dwellings, together with amended access, associated car parking and landscaping works - Variation of Condition 17 (Access Provision) of planning permission SDNP/15/05327/CND - amend wording to read: The vehicular access shall be completed as permitted before whichever occurs sooner 1) occupation of any unit or 2) before or coincidental with the completion of plots 3 and 4.
- 14 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 157 - 165)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

15 **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

16 **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

**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

GVT Government Department Application	CSS Called in by Secretary of State
HSC Hazardous Substance Consent	DEC Decided
LBC Listed Building Consent	DECDET Decline to determine
OHL Overhead Electricity Line	DEFCH Defer – Chairman
OUT Outline Application	DISMIS Appeal Dismissed
PLD Proposed Lawful Development	HOLD Application Clock Stopped
PNO Prior Notification (Agr, Dem, Tel)	INV Application Invalid on Receipt
REG3 District Application – Reg 3	LEG Defer – Legal Agreement
REG4 District Application – Reg 4	LIC Licence Issued
REM Approval of Reserved Matters	NFA No Further Action
REN Renewal (of Temporary Permission)	NODEC No Decision
TCA Tree in Conservation Area	NONDET Never to be determined
TEL Telecommunication Application (After PNO)	NOOBJ No Objection
TPA Works to tree subject of a TPO	NOTICE Notice Issued
CONACC Accesses	NOTPRO Not to Prepare a Tree Preservation Order
CONADV Advertises	OBJ Objection
CONAGR Agricultural	PCNENF PCN Served, Enforcement Pending
CONBC Breach of Conditions	PCO Pending Consideration
CONCD Coastal	PD Permitted Development
CONCMA County matters	PDE Pending Decision
CONCOM Commercial/Industrial/Business	PER Application Permitted
CONDWE Unauthorised dwellings	PLNREC DC Application Submitted
CONENG Engineering operations	PPNR Planning Permission Required S64
CONHDG Hedgerows	PPNREQ Planning Permission Not Required
CONHH Householders	REC Application Received
CONLB Listed Buildings	REF Application Refused
CONMHC Mobile homes / caravans	REVOKE Permission Revoked
CONREC Recreation / sports	S32 Section 32 Notice
CONSH Stables / horses	SPLIT Split Decision
CONT Trees	STPSRV Stop Notice Served
CONTEM Temporary uses – markets/shooting/motorbikes	STPWTH Stop Notice Withdrawn
CONTRV Travellers	VAL Valid Application Received
CONWST Wasteland	WDN Application Withdrawn
	YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 7 February 2018 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), 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 P Tull and Mr D Wakeham

Members not present: Mr G Barrett and Mrs J Tassell

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss N Golding (Principal Solicitor), Miss K Davis (Member Services Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Principal Planning Officer) and Mr T Whitty (Development Management Service Manager)

122 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

Apologies were received from Mr Barrett and Mrs Tassell.

123 **Approval of Minutes**

That the minutes for the meeting held on 17 January 2018 be approved and signed by the Chairman as a correct record, subject to the addition of the following after sentence 3 of paragraph 4, page 3 to read "Mr Bushell clarified that the proposed landscaping along the southern boundary would be new planting in the garden area of the dwellings, which he confirmed was within the application site".

124 **Urgent Items**

There were no urgent items.

125 **Declarations of Interests**

Mr Duncton declared a personal interest in respect of application SDNPA/17/06138/FUL as a West Sussex County Council appointed member of the South Downs National Park Authority.

Mr Dunn declared a personal interest in respect of application SDNPA/17/06138/FUL as a Chichester District Council appointed member of the South Downs National Park Authority.

Mr R Hixson declared a personal interest in respect of application CC/17/03082/DOM as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of application CC/17/03082/DOM as a member of Chichester City Council.

Mr McAra declared a personal interest in respect of application SDNPA/17/06138/FUL as a member of Midhurst Town Council.

Mr Plowman declared a personal interest in respect of application CC/17/03082/DOM as a member of Chichester City Council.

Planning Applications

(To listen to the full debate of the planning applications follow the [link](#) to the online recording)

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

During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screens.

RESOLVED

That the following decisions subject to the observations and amendments below:

- 126 **FB/17/03697/DOM - Strathisla, 10 Salthill Road, Fishbourne, Chichester, West Sussex, PO19 3QH**

Recommendation to **Permit** agreed.

- 127 **CC/17/03082/DOM - 24 Adelaide Road, Chichester, West Sussex, PO19 7NB**

Mr Whitty drew the Committee's attention to proposed condition 1 and advised that this was unnecessary and should be deleted as the development had already taken place.

Miss Golding added that the remaining conditions would be amended accordingly to require the rendering to be completed within three months from the grant of planning permission.

Recommendation to **Permit** the deletion of condition 1 and amended conditions 2 and 3 agreed.

128 **BO/17/00664/FUL - Combes Boatyard, Smugglers Lane, Bosham, Chichester, West Sussex, PO18 8QW**

Additional information was reported on the agenda update sheet setting out an addendum to paragraph 2.2 of the report, additional comments received from Bosham Parish Council and a third party, two third party letters of objection from one objector and officer comment concerning the recommendation.

The following members of the public addressed the Committee:

- Mr R Deacon – Objector; and
- Mr K Ridge – Applicant

Mrs Stevens confirmed that, the planning application, had been assessed in the context of current flood risk policy and she confirmed that the levels of plot 1 including the first floor level still exceeded the current requirements in terms of the 1 in 100 year flood event level plus a 40% allowance.

Recommendation to **Permit** agreed.

129 **SDNPA/17/06138/FUL - Office, North Street, Midhurst, West Sussex, GU29 9DJ**

Additional information was reported on the agenda update sheet relating to comments received from the Economic Development Officer.

Recommendation to **Permit** agreed.

130 **Wisborough Green Village Design Statement**

The Committee considered the updated Wisborough Green Village Design Statement (WGVDS) circulated with the agenda.

Mr Whitty outlined the report and responded to members' comments and questions. The WGVDS provided the planning authority with an understanding of the areas that were key in terms of the character of the Village. In particular he drew attention to the character areas A-J that set out the character of what was important to the village, the commentary on the past and the future relating to the material and architecture details. With regard to the weight to be attached, the document would remain as guidance not policy. However, the process of seeking approval of the Planning Committee for endorsement would give the document some weight and it would be used as a material consideration when determining planning applications.

Verges, Ditches and Culverts: With regard to the comment in the text that there had been a lack of maintenance by West Sussex County Council, a member asked if it was an appropriate statement to include in the document as a large number of ditches and culverts were outside the ownership of the County Council. Mr Whitty undertook to raise this matter with Wisborough Green Parish Council.

Settlement and Conservation Areas: Mr Whitty advised that the map, dated 2014, had been taken from the character appraisal and confirmed it was possible that there had now been additional development. However, the map had been included to denote the conservation area, which he confirmed had not changed. With regard to the settlement policy area and additional development outside this area, he would have to check the Wisborough Green Neighbourhood Plan to establish if there was a disconnect between both. He undertook to raise this matter with the Parish Council.

The Past – Materials and Architectural Detail: It was noted that the number of listed buildings was yet to be added to this section.

Mr Whitty advised that the matters raised today by members would not stop the council's ability to use the document as a material planning consideration. He pointed out that the document was already in the public realm having been published by the Parish Council.

RESOLVED

That the Wisborough Green Village Design Statement (set out at Appendix 1 to the report) be approved as a material consideration in the determination of planning applications, subject to officers taking up with Wisborough Green Parish Council the certain issues raised by the Committee.

131 Schedule of Outstanding Contraventions

The Committee considered and noted the schedule of outstanding contraventions circulated with the agenda.

Additional information was reported on the agenda update sheet relating to additional information concerning the performance indicators concerning the acknowledgement of complaints.

Mr Archer introduced this reported. The breakdown of outstanding cases had previously been removed from the report, as it did not provide any useful information due to their being no explanation behind the reasons for them being outstanding. A total of 414 cases were currently outstanding.

132 Schedule of Planning Appeals, Court and Policy Matters

The Committee considered and noted the schedule of outstanding planning appeals, court and policy matters that had been circulated with the agenda.

Additional information was reported on the agenda update sheet relating to the High Court Challenge regarding Land at Beach Avenue, Southbourne.

The meeting ended at 10.25 am

CHAIRMAN

Date:

Agenda Item 4

Chichester District Council

Planning Committee

Wednesday 14 March 2018

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

Agenda Item 5

Parish: Chichester	Ward: Chichester South
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CC/17/03357/FUL

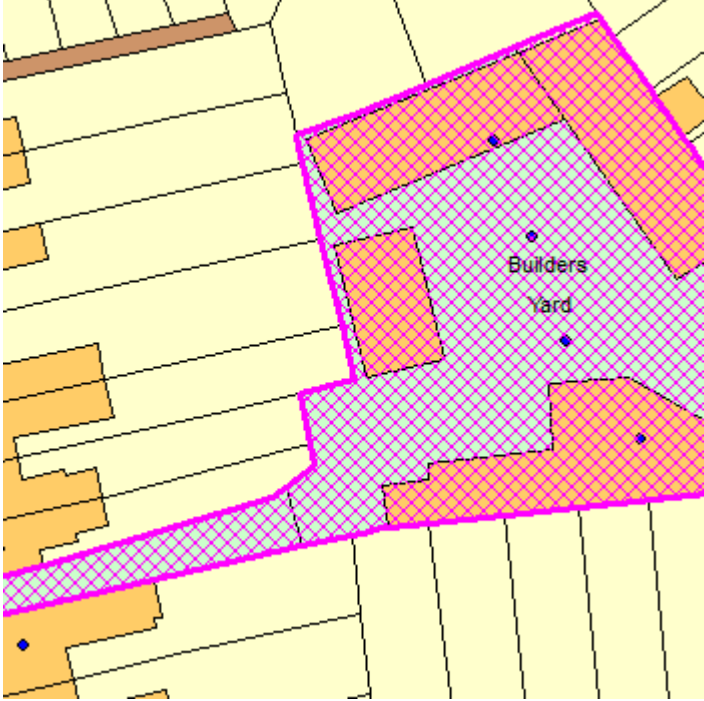

Proposal Demolition of existing structures, construction of 4 no. dwellings and associated landscape works.

Site Providence Works Lyndhurst Road Chichester West Sussex PO19 7PF

Map Ref (E) 486612 (N) 104472

Applicant 77 Property Ltd .

RECOMMENDATION TO PERMIT WITH S106

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

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The lawful (and historic) use of the 0.15 hectare site falls within use class B2 (General Industrial) and was used by a metal working forge and joinery manufacturing business connected to a building firm. However, over a number of years the use of the site dwindled, and the site is no longer in operation. . .
- 2.2 The site is located within the settlement policy boundary for Chichester and is surrounded on all sides by residential development which is largely 2 storey and traditional in appearance and construction. The site is also within the Chichester Conservation Area and Flood Zones 2 and 3. The site benefits from permission for 4 dwellings (planning reference 15/04201/FUL); however the permission has not been implemented.
- 2.3 The existing buildings on the site comprise single storey pre-fabricated buildings with corrugated sheet roofing. They are of a modest scale and have a utilitarian appearance. The site is largely enclosed by high boundary walls forming the site boundaries with the surrounding residential development and gated at the end of the access. Access into the site is via a long narrow access drive from Lyndhurst Road and public views into the site are limited.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the demolition of the existing buildings and the change of use of the site from commercial/industrial to residential with 4 detached dwellings and associated parking utilising the existing access.
- 3.2 The proposed dwellings consist of 3-5 bedroom detached properties arranged in a north-south linear arrangement. The most northerly property (plot 1) accommodates 3 bedrooms and a detached double garage to the front, plots 2 and 3 would be 4 bedroomed, with 2 parking spaces each, whilst plot 4 accommodates 5 bedrooms and is served by 3 parking spaces. 3 further visitor parking spaces are also provided. The permitted scheme comprised 4 no. 4 bedroom detached properties.

This application follows 15/04201/FUL, for which permission was granted for 4 detached dwellings of a similar scale and layout. The main differences between the previous scheme and the proposals are:

Plot 1

- Re-location of a front bay window to from the southern side of the principal elevation to the northern side
- Window and door alterations to the northern side elevation and eastern rear elevation

Plot 2

- Alteration of front storm porch from pitched roof design to flat roof design
- Installation of roof lights to front and rear roof pitches
- Window and door alterations throughout including insertion of loft space window within north facing side elevation
- Additional bedroom and bathroom within loft area

Plot 3

- Window and door alterations throughout
- Installation of roof lights to front and rear roof pitches
- Additional bedroom and bathroom within loft area
- An increase in the depth of the dwelling by 0.94m; to 15.6m.
- An increase in the footprint of the dwelling by 8.96sqm; to 105.77sqm
- An increase in the total floor area of the dwelling by 60.09sqm to 233.13

Plot 4

- Installation of roof lights within front, rear and north facing roof pitches
- Window and door alterations throughout
- Additional bedroom and bathroom within loft area
- An increase in the depth of the dwelling by 0.84m; to 16.4m
- An increase in the height of the dwelling by 0.24m; to 9.52m
- An increase in the footprint of dwelling by 13.71sqm; to 112.27sqm
- An increase in the floor area of dwelling by 66.37sqm; to 244.74sqm

4.0 History

15/04201/FUL	PER	Demolition of existing structures, construction of 4 no. dwellings and associated landscape works.
17/02196/DOC	DOCDEC	Discharge of Conditions 6, 12 and 14 from Planning Permission 15/04201/FUL.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Chichester City Council objects on the grounds of overdevelopment of the site. The proposed dwellings are too large to be served by such small plots. Fewer dwellings or four smaller dwellings would be more appropriate in the interests of the amenity of the proposed residents.

6.2 CDC Waste (summarised)

Provision of Bins:

Individual properties would require one waste and one recycling bin. These come in two different sizes 140 litre or 240 litre, the general rule is for up to two persons in a household we would recommend 140 litre bins, for up to four persons 240 litre bins.

Bin Collection Points:

The plans suggest the bins will be presented for collection outside the gates to the site, access to these gates is via a shared driveway. Our policy on shared driveways is we require the bins to be presented for collection at the entrance to the shared driveway. We would therefore require the suggested collection point to be moved to this entrance to the driveway.

6.3 CDC Environmental Strategy Unit (summarised)

The submitted Bat Survey Report is similar to that which was approved under discharge of condition application 17/02196/DOC. As such, it has been confirmed that it remains acceptable in this instance.

6.4 CDC Environmental Protection (summarised)

No objection.

The recommendation with respect to management of asbestos in soils (section 13.1) should be followed prior to any demolition works take place. An asbestos survey should be undertaken by a specialist contractor to identify where asbestos is present and to determine if the work requires a licence prior to removal. A method statement should be put in place to ensure the safe removal and disposal of the material in order to comply with the Control of Asbestos Regulations 2012.

The recommendation in 13.2 with respect to soils should also be put in place and a remediation strategy should be drawn up for the site and submitted for approval. Contractors should also follow a watching brief during any groundworks at the site both in relation to asbestos and other contaminants that could be present at the site.

No soil testing has been undertaken in the NW corner of the site, it would be prudent to undertake testing in case there is land contamination that requires specialist treatment as part of the remediation scheme.

Recommend conditions PC21 (NW part of the site), PC22 and PO14 in respect of contamination plus a construction management plan.

Secure covered cycle parking and provision for the recharging of electric vehicles should be provided at the site.

6.5 CDC Environmental Health Officer

No objection but the following condition is recommended subject to the application receiving approval:

"Prior to the commencement of any works, the applicant shall submit to and have approved by, the Local Planning Authority, a short construction management plan. The plan shall include, but not necessarily be limited to, details of how noise and dust are to be controlled and minimised during the demolition and construction phases.

6.6 CCAAC

The Committee has very strong objections to this application. We note that the drawings show a significant number of material changes from the previous approved application (CC/15/04201/FUL), including reinstatement of attic windows and an increase both in floor area and height. Specifically, attic bedrooms have been introduced to Units 2,3 &4 with associated rooflights; Unit 1 has increased in height by 0.2m and Units 2 & 3 by 0.3m.; finally, the footprint of Units 3 & 4 have been increased to the rear. They seem, in part, to be a reversion to the content of original superseded plans withdrawn at the request of planning officers during the course of application CC/15/04201/FUL. The additional bedrooms will result in more bedspaces which in turn equate to more people and cars in a development we already consider to be over-dense. This is a simple case of seeking to reinstate parts of the previous application that were withdrawn at the specific request of planning officers on the grounds of over-development. We see no change in circumstances whereby officers can justify reinstatement of such features as well condoning the increased height and footprint of the revised proposals, as to do so will establish dangerous precedent. We are concerned that developers are wasting the time of council planning officers with such deceptive applications.

6.7 WSCC Highways (summarised)

West Sussex County Council was consulted previously on Highway Matters for a similar 4 dwellings application at this location under planning application 15/04201/FUL. No highways concerns were raised and consent was granted by the Local Planning Authority.

This application is similar in principle but represents a revised 4 dwellings scheme. Upon review of the submitted documents the access arrangements to the maintained highway network remain unchanged from the approved scheme.

I have assessed the new parking strategy against the WSCC Car Parking Demand Calculator and can confirm the proposed provision would be considered adequate to meet the needs of the development. I would note the proposed garage for plot 1 should be increase in size to 6 x 6 metres internally to be considered adequately sized to accommodate two vehicles. I would be minded to accept this minor modification could be secured via condition.

Recommend condition to secure cycle parking, parking and turning, garage use and a construction management plan.

6.8 Environment Agency (summarised)

No objection subject to inclusion of a condition to secure the mitigation measures set out in the submitted Flood Risk Assessment.

The site lies in Flood zones 2 and 3. Policy 42 and the NPPF require new development in areas of flood risk to pass the sequential test and exceptions tests.

6.9 Representations

6 third party letters of objection have been received concerning:

- Impact on neighbouring privacy from first and second floor windows
- Overdevelopment of the site/houses too large
- Loss of boundary wall and resulting impact on shade to neighbouring property
- The scheme would re-introduce attic accommodation which was removed from the previous proposal at the request of the planning officer
- Design and scale of buildings not appropriate for the conservation area

2 general letters neither in support or objection to the proposal have also been received requesting clarification on what will replace the original boundary treatments.

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) and all made neighbourhood plans. Chichester City Council has indicated that they are not proceeding with a Neighbourhood Plan.

Chichester Local Plan: Key Policies (2014-2029)

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 26: Existing Employment Sites
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 42: Flood Risk and Water Management
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

7.3 Government planning policy 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 14 and 17 (Core Principles) and Sections 1, 6, 7, 10 and 11 generally.

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

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

- Maintain low levels of unemployment in the district
- Promote and increase sustainable, environmentally friendly initiatives in the district.

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and sustainability
- ii) Flood risk and water management
- iii) Design and appearance within the Conservation Area
- iv) Residential amenity
- v) Safeguarding employment
- vi) Highway considerations
- vii) Other matters

Assessment

- i) Principle of development and sustainability

8.2 The application site lies within the Chichester Settlement Boundary and comprises previously development land, surrounded by existing dwellings. The principle of new residential development within the settlement policy boundary is acceptable and there is an extant permission for four no. 4 bedroom dwellings on the site which could be implemented. Although the mix of units has changed to provide 1 smaller and 1 larger dwelling than previously permitted, overall the number of bedrooms (16) remains as previously permitted. Whilst the proposal does not include any smaller dwellings, it is considered that the inclusion of a 3 bedroom unit is a positive change compared with the previous permission for 4 bedroom units. The provision of residential development on the site therefore complies with Policy 1 and 2 of the Chichester Local Plan (CLP), subject to other policies within the Local Plan and detailed criteria. Furthermore, these matters are considered further below.

- ii) Flood risk and water management

8.3 The site lies in Flood Zone 2 and 3 as identified by the Environment Agency flood risk maps. Policy 42 seeks to 'avoid inappropriate development in areas at current or future risk, and to direct development away from areas of highest risk'. It goes on to say that 'development in areas at risk of flooding as identified by the Environment Agency flood risk maps will be granted where the following criteria are met:

- The proposal meets the sequential and exception test (where required) in relation to the National Planning Policy Framework;

8.4 The National Planning Policy Framework states that 'The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.' NPPF and NPPG are clear that they should only be developed where it has been demonstrated that the need cannot be met elsewhere. In relation to this application, a sequential test has not been carried out to demonstrate that there are no more suitable sites for residential development within the district outside of the Flood Zone.

- 8.5 Notwithstanding the above, there is an extant permission to develop 4 dwellings on the application site which was permitted by the Council on 12 October 2016. Therefore, although no information has been submitted to demonstrate that there are no other sites available to provide residential development of this scale in areas at a lower risk of flooding, it remains that there is a realistic fall back for the provision of 4 dwellings on the site. It would be unreasonable to refuse planning permission on flood risk grounds when the changes to the proposed development would not materially impact upon flood risk.
- 8.6 The Environment Agency (EA) has raised no objection to the proposal in terms of the flood risk assessment (FRA) submitted. The FRA recommends raising the floor levels and the incorporation of flood mitigation measures. The EA has recommended that a condition be imposed to secure the mitigation measures proposed within the FRA, and that the future occupants of the dwellings are required to sign up to the EA Flood Alerts, to ensure that in the event of a flood the occupiers evacuate the site in advance of a flood event. It is therefore considered that subject to conditions the proposal would effectively manage flood risk in accordance with policy 42 of the CLP.

iii) Design and appearance within the Conservation Area

- 8.7 Section 7 of the NPPF requires good design that improves the overall quality of the area, with Paragraph 56 of the NPPF stating that "good design is indivisible from good planning". Policy 33 of the Local Plan requires new development to meet the highest standards of design and to be appropriate in terms of the proportion, form, massing, siting, scale and detailed design to ensure that proposals respect and where possible enhance the character of the surrounding area and the site.
- 8.8 Furthermore, the application site lies within a Conservation Area where Policy 47 of the Local Plan requires new proposals to 'conserve and enhance the special interest and settings' of Conservation Areas and 'respects distinct local character'. The Chichester Conservation Area Advisory Committee have been consulted on the application and has raised an objection, stating that the inclusion of roof lights and accommodation within the loft space is tantamount to a reversion to a scheme that was amended upon the request of planning officers as part of application 15/04201/FUL. It is also stated that the increased footprints of the buildings and the increased number of bed spaces will lead to further overdevelopment of the site. However, it should be noted that the previous loft space accommodation and associated dormer window elements was removed to overcome concerns that it would create elevated views into adjacent garden areas that would be harmful to the amenity of neighbouring occupiers. In this instance, dormer windows have been replaced by traditional roof lights which would be of a level that would prevent downward views into neighbouring property. A condition is attached to this recommendation that would require the cills of the rooflights to be a minimum of 1.7m above the finished floor level.
- 8.9 From the indicative plans, it is apparent that one dwelling (plot 4) will have an increased height, and that at only 24cm, the view of officers is that this will not represent a significant increase that would affect the perceived scale of the building. It is also recognised that the alterations to plots 3 and 4 would result in increased floor areas of 60.1sqm and 66.37sqm to totals of 233.1sqm and 244.74sqm respectively, but given that most of this would be accommodated within the roof area, the increase in the built footprint of these buildings would only amount to 8.96sqm and 13.71sqm respectively.

It therefore remains the consideration of your officers that the visual impact of the proposed development would remain limited as only glimpses of the proposed dwellings would be visible through the access.

- 8.10 The proposed dwellings would remain two-storey in height, similar to the surrounding properties and will use a combination of hipped natural slate and tile roofing for variation. The flat roof, single-storey additions to the rear of the properties would remain modest and considered to be acceptable.
- 8.11 New side elevation second floor windows are proposed within plots 2 and 3, although these would only serve stairways and as such would not provide frequent or convenient viewing openings. They would also only provide views towards the roof areas of the adjacent proposed dwellings so are not anticipated to be harmful. To prevent further additions to the roof areas that could provide harmful views in the future, a condition could be worded to remove permitted development rights and restrict such works.
- 8.12 The palette of materials proposed for the dwellings would incorporate Sussex brick, traditional construction detailing and the use of dentil eaves and is considered acceptable for the Conservation Area.

iv) Residential amenity

- 8.13 The site is very constrained in terms of the location of neighbouring dwellings with residential properties bordering the site on all sides. The proposed development would replace existing single storey employment use on the site that it is acknowledged has had a low intensity use for the past few years. From this perspective, therefore, any increase in use of the site for either residential or continued commercial use is likely to cause an increase in disturbance to neighbouring dwellings. However, use of the site for residential purposes would be unlikely to lead to a significant adverse impact in terms of disturbance.
- 8.14 The replacement of single storey buildings with 2 storey residential properties is not likely to give rise to overlooking to the properties to the east, specifically due to length of the rear gardens of these properties and the distances to the facades of the properties. The front elevations will have a separation distance of 10.1m at Plot 1 and a face to face distance of approximately 30m which is considered acceptable and in line with guidance.
- 8.15 It is further noted that the side elevations of the end dwellings in plot 1 and plot 4 include narrow bathroom windows which are to be obscure glazed. It is recommended that these windows be conditioned to be obscured to prevent any loss of privacy to neighbouring occupiers occurring. Given the distances involved and the design of the dwellings, it is considered that the proposed development would not have an overbearing impact.
- 8.16 As was established during the consideration of the previous application the matter of loss of light and outlook to neighbouring property is not a significant concern. Some reduction in outlook is balanced against the reduction of the southern boundary wall to 2m which will result in some positive gains. The extensions to plots 2, 3 and 4 do not represent significant increases in height or bulk and as such, it is considered that the amendments would be unlikely to result in significant adverse effects on neighbouring properties.

8.17 Concern has been raised from the surrounding neighbours about the lack of parking and turning on site and the potential for this to cause over flow parking on street surrounding the site. However, the highway authority has raised no objection to the proposals on these grounds.

8.18 With regard to bin storage, CDC Waste Services have commented that access and turning onsite for bin lorries is unacceptable and therefore the bin lorries will not be able to enter the site, meaning they must be collected at the site entrance. The submitted plans indicate that bins will be stored outside of the gates to the site, but CDC waste services has confirmed they will need to be delivered to the front of the access to the site and suggested that the bin storage area be moved adjacent to Lyndhurst Road; however, it is deemed that the current storage location is more appropriate in terms of visibility and it would not be a significant issue for residents to move waste bins 25m for collection once a week.

8.19 Overall, it is therefore considered that the proposed development succeeds in meeting the criteria of Policy 33 of the CLP, which requires proposals to meet the highest standards of design.

v) Safeguarding Employment

8.20 The application site is currently a Builder's Yard which has recently seen activities at the site include metal work forging and joinery manufacturing. The existing site plan also shows buildings labelled as 'workshop', 'offices', 'garaging' and 'vehicle workshop/stores', all of which can be classed as 'B' uses. Policy 26 seeks to retain and safeguard existing employment sites. Should a different use for the land be sought, the policy states that 'planning permission will be granted for alternative uses on land or floor-space currently or previously in employment generating uses where the following criterion is met:

- It has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses.'

8.21 Therefore, to accord with the policy, Appendix E of the Chichester Local Plan requires the site to be appropriately marketed and gives clear details of what is required and what should be done.

8.22 No information has been submitted to demonstrate that marketing has been carried out on the site but it is a consideration that the Planning Committee did not consider that the site was worthy of retention for employment purposes previously. Bearing in mind the location of the site amongst residential development, the previous permission which is extant and the limited use of the site, it is deemed that its change to residential use in this case is acceptable.

vi) Highway Considerations

- 8.23 In highways terms, the extant use of the site, B2 - General Industrial, attracts a busier vehicular usage than if the site was to be used for residential use for 4 dwellings. WSCC Highways officers consider that the proposed development would lead to a less intensively used site and would therefore not lead to a severe impact on the highway network.
- 8.24 Previously the applicant has suggested that the site is not suitable for industrial use due to the access being too narrow, which obliges larger vehicles to unload in Lyndhurst Road causing blockages and traffic congestion. However, the site has been used for B2 employment purposes for over 40 years using the existing access and in light of this fact; the access is considered adequate for such uses.
- 8.25 Further to this, the scheme seeks to provide 2 car parking spaces per dwelling with a further 3 spaces for visitors. The Local Highway Authority has confirmed that this level of provision is suitable, but has suggest a condition be attached to any permission requiring the double garage serving plot 1 to measure a minimum of 6m by 6m to enable it to accommodate 2 cars.
- 8.26 Therefore, from a highways and safety perspective, subject to compliance with suggested conditions, the proposal would meet the requirements of Policy 39 of the CLP to ensure that new development benefits from safe and adequate access and would not have an adverse impact upon the highway network.

vi) Other matters

- 8.27 Given that the scheme requires the demolition of existing buildings, a bat survey report has been submitted which the Council's Environmental Strategy service has been consulted on. It has been confirmed that the document is similar to that which was approved under the discharge of conditions application 17/02196/DOC and therefore is acceptable. It is suggested that a condition be attached to this permission requiring works to be carried out in accordance with the recommendations of the bat mitigation strategy. Therefore the proposed development is in accordance with Policy 49 of the CLP which seeks to safeguard the biodiversity value of the site.
- 8.28 The application results in the creation of 4 no. new dwellings within the Chichester and Langstone Harbours Special Protection Area (SPA) buffer where increases in net residential development are likely to have a significant effect on the SPA. The applicant has previously entered into a unilateral undertaking to provide contributions as part of the previous permission, but given that the required contributions for new residential development has now increased, the applicant is required to enter into a deed of variation to ensure payment of the difference. The Local Planning Authority has sought the outstanding contribution in line with Policy 50 of the CLP.

Conclusion

8.29 Based on the above, it is considered the proposal is in accordance with Chichester Local Plan Policies 1, 26, 33, 49 and 50 as well as the National Planning Policy Framework in large, but fails to comply with Policy 42 of the CLP and relevant NPPF and NPPG guidance in respect of flood risk.

8.30 Therefore, the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

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

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

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

- 6513-1-1
- 6513-1-2 rev. 02
- 6513-1-3 rev. 02
- 6513-2-1
- 6513-2-2
- 6513-2-3
- 6513-2-4
- 6513-2-5
- 6513-2-6
- 6513-2-7
- 6513-2-8
- 6513-2-9 rev. 02

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 take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of sheeting for lorries,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary traffic regulation orders),
- measures to control the emission of dust during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

5) Before development commences, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing refuse bin storage (sufficient for 2 no. 240 litre wheeled bins). Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

Reason: To ensure proper provision for refuse disposal.

6) 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 desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such

requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

(2) 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, satisfying the requirements of paragraph (1) above.

(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.

(3) 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 (2) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (3) 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)

7) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

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

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

8) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration drainage. Thereafter no building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: In the interests of flood risk

9) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

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

10) No part of the development hereby permitted shall be first occupied until the vehicle parking (including garage) 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.

11) 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.

12) No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water drainage onto the public highway.

Reason: In the interests of road safety.

13) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) prior to the first occupation of the development hereby approved the rooflight windows hereby permitted in the: east and west facing roof planes of plot 2, east and west facing roof planes of plot 3, and north, west and south facing planes of plot 4 shall be constructed, in accordance with the submitted plans, with a cill height of not less than 1.7 metres above internal floor height, and shall subsequently be retained in that condition.

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

14) The development shall not be carried out other than in full accordance with the submitted Flood Risk Assessment and the following mitigation measures detailed within the FRA:

i) Finished floor levels are set no lower than 12.96 m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupant

15) Prior to first occupation of any dwelling hereby permitted a Flood Emergency Plan for each dwelling shall be submitted to the Local Planning Authority for approval in writing. The plan shall include future occupiers signing up for the Environment Agency's Flood Warning Service. Thereafter the dwellings shall not be occupied other than in accordance with the associated Flood Emergency Plan. Thereafter the Flood Emergency Plans for each dwelling shall be maintained by the owner of each dwelling, and the plans shall be reviewed annually, after a change in circumstances, or after a flood event. Each Flood Emergency Plan should be kept up to date and available for inspection if requested by the Local Planning Authority at all reasonable hours.

Reason: In the Interests of managing flood risk effectively.

16) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours and 13:00 hours on Saturdays.

Reason: In the interests of residential amenity.

17) The mitigation plan for bats contained within the bat survey report shall be implemented as approved with an appropriately licenced and qualified bat ecologist being present throughout the plan's implantation.

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

18) All wastes should be disposed of in accordance with Waste Regulations and there should be no on-site burning of wastes.

Reason: in the interests of environmental protection

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

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

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no windows or other openings other than those shown on the plans hereby approved shall be formed in the wall(s) of the development without a grant of planning permission of the Local Planning Authority.

Reason: To protect the amenities of adjoining residential properties.

21) 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 garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

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

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, 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).

2) The applicant is reminded that the Council operate a formal procedure for the discharge of conditions.

Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/planningadvice#planningapplications>) or by telephone (01243 534734).

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

For further information on this application please contact Fjola Stevens

Agenda Item 6

Parish: Chichester	Ward: Chichester North
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CC/98/02043/OUT

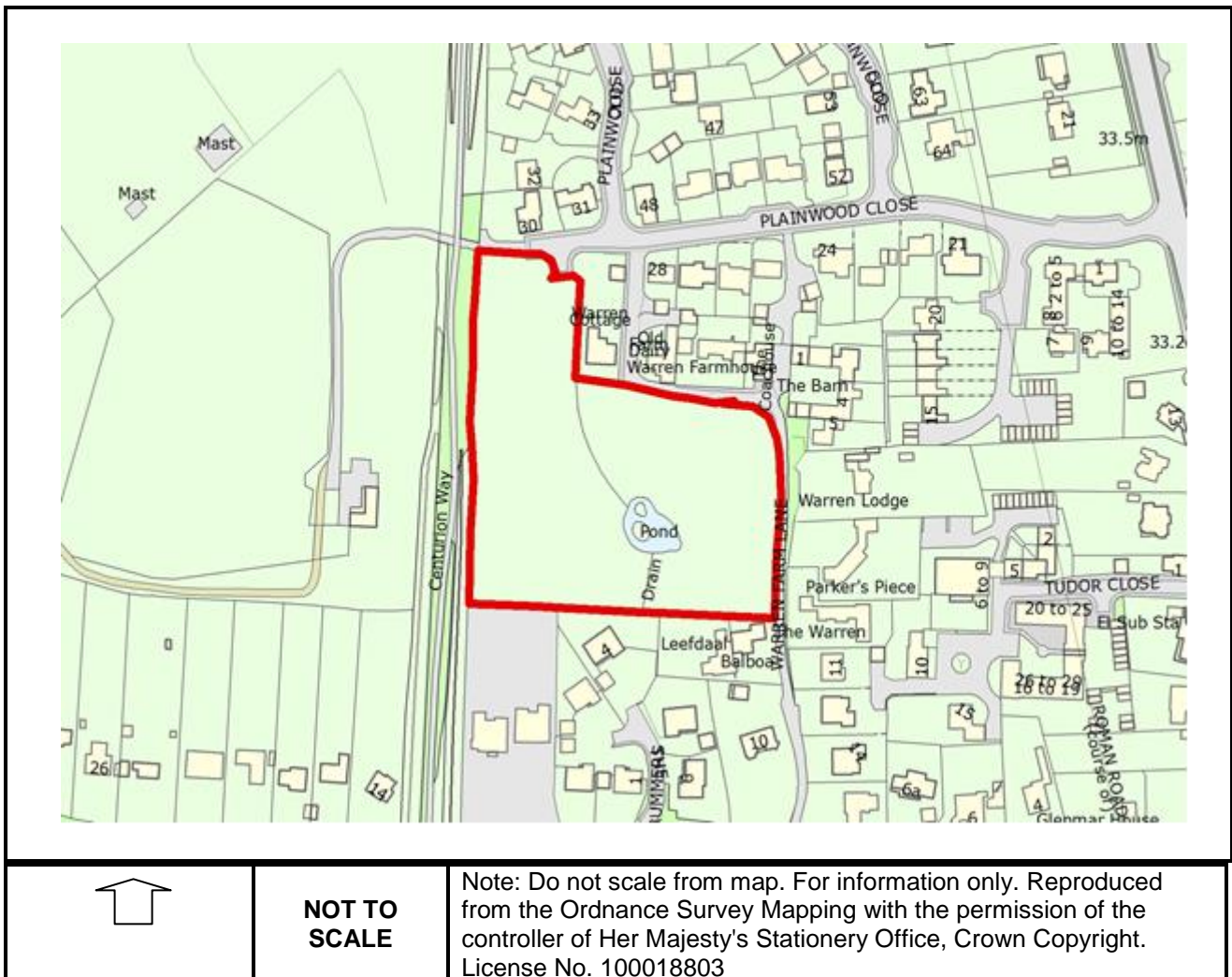
Proposal Outline application for the erection of 21 dwellings with associated vehicular access, parking and landscaping.

Site Warrendell Adjacent To Centurion Way Off Plainwood Close Chichester West Sussex

Map Ref (E) 485540 (N) 106850

Applicant D G Phillips (Bosham) Ltd

RECOMMENDATION TO DEFER FOR SECTION 106 (as amended) THEN PERMIT. IF SECTION 106 NOT COMPLETE WITHIN 6 MONTHS OF RESOLUTION THEN DELEGATE TO OFFICERS TO DETERMINE.



1.0 Reason for Committee Referral

City Council Objection - Officer recommends Permit

RED Card: Cllr T Dignum - major development, public interest, issues raised by residents.

To request that the Planning Committee agrees a variation of the resolution from the October 2017 committee meeting in respect of the 'best endeavours' clause in the section 106 agreement relating to the provision of a combined pedestrian and cycleway from the site to Centurion Way. Following the agreement of the applicant and WSCC it is now proposed that the section 106 agreement will require this link to be provided rather than seeking it through best endeavours.

2.0 The Site and Surroundings

- 2.1 Warrendell comprises a piece of vacant land extending to approximately 1.24 hectares located at the western end of Plainwood Close, adjoining the Centurion Way cycle path. The access to the site is from Plainwood Close (currently fenced and gated) but can also be gained from Warren Farm Lane which is an unsurfaced narrow access only single track leading north from Brandy Hole Lane. The site is adjoined by existing residential development on 3 sides. It has become heavily naturalised over the years through the lack of any routine maintenance and is characterised by significant areas of overgrown undergrowth and scrub, with self-set maple, ash and silver birch trees. There are significant levels changes across the site with a 3-4 metre deep depression in the centre of the site and a small, heavily silted pond. The depression appears to be natural in occurrence and is possibly a 'sink hole' caused by the solution of chalk below the surface gravels and soil of this area leading to the collapse of the surface layers into the void created. The west site boundary with Centurion Way is open but lined with mature trees variously comprising Holm Oak, Larch, Oak and Willow several of which are protected by a tree preservation order (TPO) dating back to 1971. At the southern end of this west boundary the site levels are some 2 metres higher than Centurion Way. The undulating site levels rise so that at the northern most point of the west site boundary they are approximately level with Centurion Way and Plainwood Close. On the east site boundary with Warren Lane, the site levels fall away steeply from the access track. Again there are a scattering of trees protected by a TPO on this part of the site. The south site boundary is defined by a combination of 1.8m high closeboard fencing backed by tall fir trees and weld metal mesh fencing with a yew tree hedge which forms the rear garden boundaries of those properties to the south. The site is in Environment Agency Flood Zone 1.

3.0 The Proposal

- 3.1 The application is for the erection of 21 dwellings (19 market and 2 affordable) and is submitted in outline form with all matters reserved. The submitted drawings are therefore for illustrative purposes and show vehicular access from Plainwood Close only. The illustrative drawings also show parking and landscaping and indicative section drawings. The proposed mix of accommodation is:

3 x 2 bed flats

2 x 2 bed houses

12 x 3 bed houses

1 x 3 bed flat

3 x 4 bed houses

A block of 4 flats is shown to the north-west of the pond within the centre part of the site. Two of the 3 x 2 bed flats within this block would be delivered as 50% discounted sale to people with a local connection. Whilst 'scale' is a reserved matter the submitted illustrative drawings show proposed dwellings between 2 and 2.5 storeys in height constructed with elevations in a mix of brick, render, and tile hanging to the first floor with pitched tiled roofs.

The illustrative site plan drawing shows a site with access from Plainwood Close leading to a 5.5m wide internal road and serving a development of 21 dwellings which are positioned around the perimeter of the site with the pond retained in the centre. The suggested form of the dwellings comprise detached and linked dwellings.

- 3.2 The proposed development indicates provision for 55 no. car parking spaces on the basis of 3 spaces each for the 3 no. 4 bed dwellings, 2 spaces each for the 18 no. 2 and 3 bed dwellings as well as visitor spaces. Car parking is indicated as being provided through a combination of attached garages, carports, on-plot and courtyard parking and lay-by parking.
- 3.3 The illustrative plans show a large area of irregularly shaped public open space is to be provided on the north site boundary adjacent to Warren Farm Lane. The overall density of the development is approximately 17 dwellings per hectare.

4.0 History

91/00456/CC	ALLOW	Residential development comprising 3 no. four-bedroom houses; 14 no. three-bedroom houses and 4 no. flats.
94/00907/TPO	WDN	Works to be carried out on trees T15 to T35.
94/02028/TPO	PER	Lopping and topping, as required, to one Lime, one Larch, five Willows and seven evergreen Oaks. (See Schedule).
94/02393/FUL	PER	Conversion of disused railway to path and linear park for walkers and cyclists.
96/01805/FUL	PER	Traffic free path for pedestrians, cyclists and disabled.
97/00520/FUL	PER	Non-vehicular access to path for cyclists, pedestrians and disabled (Centurion Way).
98/02043/OUT	PDE	Outline application for the erection of 21 dwellings with associated vehicular access, parking and landscaping.
11/00799/TPA	PER	Crown reduce by 20% on 1 no. Holm Oak (T32) and 1 no. Lime tree (T33). Both trees subject to CC/71/00225/TPO.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 City Council

Following the submission of amended plans and discussions between the Planning Adviser and members of the Planning Delegation Sub-Committee it was RESOLVED to Object to the proposed development unless a pedestrian/cycle access is provided from Plainwood Close to Centurion Way in the interests of promoting a sustainable development.

6.2 Chichester Harbour Conservancy

No objection, subject to securing S.106 SRMP payments prior to the commencement of development and delivery of sewage connecting pipe improvements to Apuldram WwTW prior to first occupation of any dwelling. Whilst having no impact to the setting of the AONB, the Conservancy is now pleased that issues of recreational disturbance are to be addressed by a S.106 contribution through the SRMP. In principle, the agent also commits the applicant to upgrading pipework between the site and the Apuldram WwTW, where adequate capacity appears to exist. The Conservancy would hope that being largely off-site, the Council would secure those works prior to first occupation of any dwelling as a clause to the S.106 to ensure wastewater from the development would be adequately treated, before discharge into Chichester Harbour. The Conservancy is pleased to see that a pond is to form part of the design and that a common open space is being provided, which would give some alternatives to dog walkers visiting the Chichester Harbour shoreline.

6.3 Environment Agency

We have no comments to make on this application. Note the intention of the proposal to go to the main sewer. Note also the finite capacity of Apuldram WwTW. Council needs to ensure that this development fits with its wastewater position statement.

6.4 Southern Water

Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system. S.98 of the Water Industry Act 1991 provides the legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the proposal.

6.5 Natural England

Site is within 5.6 km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Subject to a financial contribution as required by Council policy, Natural England is satisfied that the applicant has mitigated against the potential adverse impacts of the development on the integrity of the European sites and has no objection to this aspect of the application.

6.6 Sussex Police

Design and layout is outwards facing which has all but eliminated the need for vulnerable rear garden pathways. Various recommendations made for gates, fencing details and overlooking of parking areas, cycle sheds.

[Planning Officer Comment: Police comments based on the illustrative layout which is subject to detailed design as part of subsequent reserved matters application.]

6.7 WSCC - Highways

Previous responses to the 1998 application raised no objection. No objection in principle to the amendments with this application.

Conditions recommended regarding visibility, access road, parking and turning, garages for parking only, construction management plan, cycle parking, preventing surface water draining onto highway. No longer a s.106 requirement for a pedestrian/cycle link from site onto Centurion Way.

[Planning Officer Comment: Correspondence from WSCC legal services in 2011 confirmed that the previous S.106 requirement for a cycle link to Centurion Way was being dropped by WSCC. This was due to the engineering difficulties achieving a link because of the difference in site levels and the potential for the loss of significant trees on the west site boundary as a consequence.]

6.8 WSCC - Flood Risk Management

No objection. Conditional approach recommended regarding detailed surface water drainage designs based on sustainable development principles, plus details of the management and maintenance of the SuDS.

6.9 CDC - Housing Enabling Officer

Chichester has a very high affordable housing need of affordable housing of all sizes. The full 30% (6 units) is required plus a commuted sum for 0.3 of a unit. Mix shows a slight divergence from SHMA recommendations in terms of the 2 and 3 bed mix but is considered acceptable.

The 2 x 2 bed flats are to be provided as 50% discounted sale to people with a local connection. Four rented units have already been provided off site some years ago and with payment of the commuted sum the affordable housing requirements will have been met.

6.10 CDC - Archaeology Officer

The general archaeological interest at this site comes from its proximity to the Chichester Entrenchment and the line of the Roman road north from Chichester. A site of this size in a location with this sort of potential should be trial trenched prior to development in order to identify deposits of significance that might be present. This is so that suitable measures might then be employed to enable proper conservation (i.e. through sympathetic foundation design, full excavation and recording and/or preservation in-situ). Condition recommended regarding archaeological investigation.

6.11 CDC - Environmental Strategy Officer

Buffer strip to be provided around boundary hedgerows during construction. Gaps should be infilled in hedgerows. Tree surgery to be undertaken with care as trees have potential for bats. Any lighting kept to a minimum to avoid disturbing bats. Moderate reptile population on site. The mitigation proposed is acceptable and can be conditioned. No works to take place until reptile translocation has taken place. No Great Crested Newts found on site but excellent habitat with confirmed populations in surrounding area. Pond is to be retained and enhanced and mitigation includes inclusion of areas of rough grassland and a wildflower meadow to provide terrestrial habitat for GCN, such areas to be included in landscaping for the site and designed by suitably qualified ecologist. Works to trees outside of the nesting season. Development requires contribution for recreational disturbance of birds in terms of impact on Solent Maritime SAC (which includes Chichester Harbour SPA).

6.12 CDC - Environmental Health Officer

Given the past land uses at the site (farmland, adjacent to small quarry, stockpiling of materials in connection with nearby landfill to west) standard land contamination conditions should be applied as there could be localised land contamination on parts of the site.

6.13 CDC - Drainage Engineer

The developer should be aware of, and consider that, there is historic information suggesting that there may be springs in the area. There is a pond with associated water courses on the site which will need to be retained. Having visited the site it is unclear whether the pond is fed and/or drains to other points off site, again the developer will need to establish if and/or how this pond is fed and drains.

Condition recommended saying that development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and been approved in writing by the Local Planning Authority. Scheme should be based on SuDS with any infiltration design to be supported by winter groundwater monitoring and percolation testing.

6.14 CDC - Parks and Green Spaces Officer

The scheme proposed includes suitable open space.

[Planning Officer Comment: The Council's Local Plan Open Space Calculator generates a requirement for 240 sqm of on-site amenity open space for a development of this size. The illustrative site plan shows how this could be provided. There is no requirement for equipped play space, parks or sports pitches, semi-natural greenspace or allotments]

6.15 39 Third Party Objections

The 39 letters/emails are from a total of 15 contributors, several of whom have written in several times during the course of the Full application and now on the Outline application.

Overdevelopment of the site.

Harmful impact on neighbour amenity, overlooking.

Harmful impact on wildlife and ecology of site - bats and Great Crested Newts.

Site should not be built on as it has become a beautiful unspoilt wildlife haven.

Does not provide the required cyclelink to Centurion Way which is an essential green link and to stop use of unsuitable Warren Farm Lane.

Changing from a Full application to an Outline is a tactical attempt to avoid issues and deficiencies with the 1998 submission leaving it all to hide behind reserved matters.

Plans are out of date and inaccurate and cannot be relied upon. Do not show all surrounding properties.

Object to removal of existing woodland.

No foul water pumping station shown.

Unacceptable noise likely from piled foundations.

Surface water drainage issues.

Will result in too much extra traffic using Plainwood Close.

7.0 Planning Policy

The Development Plan

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

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 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision
Policy 10: Chichester City Development Principles
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
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
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

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

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

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

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

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), section 6 (Delivering a wide choice of high quality homes), section 7 (Requiring good design) and paragraphs 109 and 118 (Conserving the natural environment).
- 7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing.

The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD

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

8.0 Planning Comments

Background

- 8.1 The circumstances behind this application are wholly unusual. The application was originally submitted in 1998 as a renewal of a 1993 planning application which was refused by the Council but allowed on appeal (CC/426/91). The significance of the decision of the Planning Inspectorate was to effectively establish the principle going forward of some housing development being acceptable on the site. The planning application was reported to the Committee in December 1998, and the committee agreed the officer recommendation to permit it subject to the applicant entering into a Section 106 agreement for (1) Retention of the existing pond (2) Provision of Affordable Housing on the site and (3) a cycleway link to Centurion Way. The first draft of the S.106 was provided for the applicant's attention in March 2000. All delays incurred thereafter until February 2006 were due to the applicant's refusal to provide affordable housing on the site in accordance with the Council's resolution or to provide the cycleway link.
- 8.2 In 2006 the Council accepted that the part provision of affordable housing for the development could be achieved off-site by delivering 4 units on other land within the applicant's control. These affordable units have been subsequently provided at York Road in Chichester (the development at Siggs Court), although 2 further units are still required on the application site together with a commuted sum for the remaining balance.

- 8.3 The applicant's solicitors wrote to the Council in 2007 saying they were unhappy with the cycleway link clause. Negotiations between the applicant and West Sussex County Council as the Local Highway Authority were not concluded on this issue and it became clear that an impasse had been reached. In February 2008 with the S.106 still unsigned the Council communicated to the applicant that the application would need to be referred back to committee because of changes in planning policy and because new factors had arisen since the Committee's original resolution 10 years earlier. This was subsequently repeated in letters to the applicant in April and June 2009, February and November 2010 and in May 2011. The applicant was repeatedly invited to withdraw the 1998 application in order to amend the proposal in accordance with current planning policy considerations and then to re-apply but was not willing to. The Council attempted to 'formally dispose' of the application in late 2008 because of the lack of progress and passage of time. The applicant formally requested that the Council re-open the planning file in response to this. Further protracted delays followed this with WSCC trying to resolve the cycleway link. The applicant responded with litigation in 2011 and a formal complaint to the Council. At the applicant's request the application was subsequently held in abeyance. Throughout 2012 the applicant maintained the request to the Council that the application should continue to be held in abeyance.
- 8.4 On receipt of Counsel's opinion the applicant advised the Council in August 2012 that a further planning/design statement was being prepared for submission to support the extant application. This was received in October 2012. In November 2012 the Council advised the applicant that officers would need to formally reassess the application in the light of up-to-date national and local planning policy and where necessary carry out consultations. In 2013 a full round of new consultations on the application was carried out as well as publicity and neighbour notification. The responses to the consultations revealed deficiencies in the 1998 scheme by today's standards and a requirement to expand the range of S.106 obligations/contributions originally agreed in 1998 to include those matters in the Council's Supplementary Planning Guidance (SPG) on Infrastructure in force at that time. The applicant maintained that the viability of the scheme was called into question with the additional contributions required by the SPG and that the inclusion of 4 affordable units on site in particular, which reflected the 40% policy requirement at that time (accepting the 4 no. units already delivered at York Road in addition to this) was not possible.
- 8.5 Negotiations on the revised content of the S.106 continued throughout 2014 and 2015. In July 2015 with adoption of the Local Plan the affordable housing requirement changed to 30% meaning that 2 no. affordable units (rather than 4) now needed to be provided on site. In February 2016 the Council adopted CIL which meant that a further adjustment of the anticipated S.106 obligations was required. A further round of consultations and further publicity was carried out in August 2016. In a move to bring this longstanding application to a conclusion but also reflecting concerns from officers (and some of the third party objectors) regarding the overall accuracy of the freehand drawings submitted in 1998, the applicant's agent has confirmed that the form of the application was now to be changed from an application for full planning permission to an application for outline planning permission with all matters reserved. Full publicity with neighbour notification, site notice and newspaper advertisement has been given to the changed form of the application. Officers are now satisfied that the application albeit in modified form is acceptable to represent to the Committee for re-consideration.

Assessment

The issues considered in the remaining body of the report discuss the following:

- procedural matters and the principle of development in this location,
- impact on neighbour amenity,
- character and appearance of the area,
- ecology,
- site levels,
- drainage and
- highways/access issues.

Procedural matters and principle of development

- 8.6 Notwithstanding the resolution of the Council's Area Development Control Committee (South) on 21st December 1998 to permit the original full application subject to the signing of a S.106 agreement, members of the Planning Committee are now being asked to reconsider that resolution in light of the passage of time and the change from a full to an outline application with a new schedule of planning conditions and a refreshed S.106 agreement, updated to take account of current affordable housing and infrastructure requirements as well as CIL.
- 8.7 Fundamentally officers consider that the changes in circumstances since 1998 are not so material as to warrant a different recommendation being made to the Committee today. Crucially in this respect the application site remains within the settlement boundary for Chichester wherein there remains a presumption in favour of permitting applications for new housing development. The site itself remains in an overgrown and unkempt state, more so given the passage of time since 1998 with extensive areas of bramble and nettles and maturing self-set maple, ash and silver birch trees. Around the periphery of the site there has also been some new housing development with new dwellings at The Warren off Warren Farm Lane, 1-6 The Rummings plus Oak House and Brandy Hole House on Brandy Hole Lane. However, the leafy sylvan nature of this part of Chichester has been carefully retained as part of those developments and officers are of the opinion that the low density housing proposed for Warrendell will equally enable delivery of a development within a similar sylvan setting.

The Council were notified at the end of January 2018 that certain tree works had commenced on the site. Following site investigations by officers it was established that work had started to remove some of the smaller diameter trees around the site boundary. These were mainly self-set sycamore, ash and willow (as well as bramble and scrub). It was quickly established that none of the trees with tree preservation orders (TPO's) on the site were subject to any of the tree works. Steps were then taken to tag and identify the TPO trees to ensure that contractors knew which trees to avoid. The tree and undergrowth works were carried out to enable the installation of black plastic sheeting associated with the ecological survey works. It was established that the works did not require planning permission.

Whilst there has been some change to the appearance of the site as a result of the clearance of smaller trees and vegetation, allowing deeper views at close quarter into certain parts of the site, this change overall is considered to be limited. The overall character of the site is that it remains well screened from wider public views and verdant. The scope of the tree works is not so material as to impact on officers assessment of the planning application or the recommendation to permit the development.

Neighbour amenity

- 8.8 The close proximity of the adjacent new dwelling at 4 The Rummors (built 2005) which at its closest point is approximately 6 metres off the site's south boundary is acknowledged as a changed off-site circumstance. Although it is set at an oblique angle to the boundary with Warrendell, the layout and boundary screening of the proposed housing when considered as part of the reserved matters application will be given careful consideration in order to protect established amenities. The properties at Leafdaal and Balboa are set at a similar distance off this boundary and similar care will be required. In terms of the overall impact of the proposed development upon the amenities of existing properties, it is considered that the setback, orientation and window positions of the 21 new dwellings can be satisfactorily controlled as part of the detailed design work submitted with the reserved matters.

Character and appearance

- 8.9 Although on the western edge of Chichester, the site is not visible in the wider landscape being screened from all but close views by the mature trees and vegetation lining Centurion Way. Development of the site will repeat the existing established pattern of housing seen to the south of the site at the Broyle estate with the housing physically contained by Centurion Way. The only other views of the development would be from Plainwood Close to the north from where vehicular access would be obtained and from Warren Farm Lane which provides an unmade access-only route for the scatter of dwellings it serves off Brandy Hole Lane. Details of the appearance of the buildings and the landscaping proposals for the site will be resolved through the subsequent submission of reserved matters.

Ecology

- 8.10 Third party objections to the proposals have drawn attention inter alia to the site's increasing value as a wildlife haven, arguing that it has now naturalised to such an extent that it is no longer appropriate to be developed for housing. The Council's ecologists have assessed the site which is privately owned land, not open to the public and the consultation comments are reported at paragraph 6.11. Whilst a moderate slow worm population has been found on the site no objection is raised to this being translocated to an alternative suitable receptor site and a planning condition is attached to the recommendation to permit the development in this regard. No evidence of Great Crested Newts (GCN) has been found on the site but given the existence of the pond, and confirmed populations of GCN's in the surrounding area, the site does have the

potential to offer a suitable habitat. There is no suggestion or requirement arising from the Council's ecology assessment that the site should no longer be developed. Indeed with an appropriate programme of mitigation including the required retention and enhancement of the pond and inclusion of areas of rough grassland and a wildflower meadow to provide terrestrial habitat for GCN, designed by a suitably qualified ecologist, it is considered that a currently overgrown site with a heavily silted up pond, which is off-limits to the public could be re-developed and provide an improved wildlife contribution for wider appreciation. It is proposed that the management and maintenance of the pond be included within the estate management responsibilities in the section 106 agreement in the event that outline planning permission is granted.

- 8.11 Officers are satisfied that the ecological issues the development raises including those relating to the roosting and foraging requirements of bats and the retention and protection during construction of TPO trees on the site, can be successfully managed by a combination of planning conditions and the section 106 agreement. Officers have considered the possibility of retaining the site for ecological purposes but have necessarily had to balance this against the benefits of the site delivering 21 new homes of which 2 will be low cost affordable homes for people with a local connection. In terms of the planning balance, a 'do-nothing' approach to the site is considered to be outweighed by the benefits of the current proposals and a planning history which anticipates new housing on this site. The provision of new housing will help contribute towards the Council continuing to meet its 5 year housing land supply requirement within the established settlement boundary for Chichester, without the need to look for alternative greenfield sites outside that boundary. The site post construction will continue to have an important ecological value with the retention of the pond and through the reserved matters the layout of the new dwellings can be controlled so as to ensure that the most valuable trees are retained.

Levels

- 8.12 The current landform on the site essentially comprises a dish, steeply sided to the east with a pond located towards the centre. The levels vary significantly across the site and the illustrative section drawings submitted with the application which were accepted by the Committee when it resolved to permit the development in 1989 show how a development of 21 homes might be laid out. These show houses which have been designed to take advantage of the existing land profile rather than attempting to alter it. For instance, on the east site boundary with Warren Farm Lane, split-level housing is proposed which would give the appearance of a single storey dwelling when viewed from Warren Farm Lane. The applicant has confirmed that there are no proposals to bring in spoil to level off the site but rather to work with the prevailing landform. Whilst indicative section drawings have been submitted with the application, officers will require detailed section drawings to be submitted and approved prior to any development commencing on the site to show how the development is to be set into the ground. Significant alteration to the land levels would not be acceptable given the potential to impact on the existing site ecology, influence the pathways for surface water drainage on the site, and thus potentially increasing off-site run off.

Drainage

8.13 In terms of the site drainage, the consultation response from the Council's Drainage Officer has requested that a condition be imposed requiring winter groundwater monitoring be carried out to inform the surface water drainage strategy which shall be via SuDS. Details of the surface water drainage are to be required by condition but shall ensure that the development does not exacerbate existing off-site run off. In terms of foul water drainage, the site will drain to Apuldram Wastewater Treatment Works where capacity has been retained for the development as an already committed housing development in the Council's Wastewater Position Statement (i.e. as a site with a previous Council resolution to permit the application (subject to a s106)). Given the lower levels of the site it is anticipated that the development will require an on-site pumping station in order to communicate with the adopted sewers in Plainwood Close. The comments from Southern Water confirm that the developer will be required to carry out infrastructure improvements to the existing network to accommodate the new foul flows generated by the development. These will be secured through a separate agreement with Southern Water under section 98 of the Water Industry Act 1991. A condition is attached to the recommendation requiring approval of the foul drainage details.

Highways and access

8.14 No objection to the development is raised by WSCC as the local highway authority subject to conditions as set out in the report regarding visibility, width of the internal access road (5.5m), parking and turning, garages where provided for parking only, a construction management plan, cycle parking and preventing surface water draining onto the highway. The Committee will note that the previous s.106 requirement by WSCC to include a pedestrian/cycle link to Centurion Way as part of this development is no longer being pursued by WSCC. WSCC legal services confirmed in correspondence to the Council in August 2011 that it was no longer pursuing the link to Centurion Way and that the applicant's solicitor had been advised of that position. Whilst there is an existing gated 'at grade' access to Centurion Way from the west end of Plainwood Close this is outside of the application site and has not been made available. The other options for a link on the west site boundary are considered to present a far from ideal situation because of the level difference between the development site and Centurion Way. Notwithstanding the objection to the application by the City Council on this sole point, the level changes between the site and Centurion Way and the degree of engineering necessary to achieve the cycleway are now deemed to outweigh the benefit and are likely to prejudice the root protection areas of the TPO trees on the west site boundary.

8.15 It is considered that when looking carefully again at the quantum of development proposed, the mix of housing, the open space and parking provision and assessing them against current policy level requirements that all are capable of being provided at an acceptable density which preserves the character of this part of Summersdale.

Significant Conditions

- 8.16 The application is submitted in outline with all matters reserved. Notwithstanding this, officers consider that conditions are necessary restricting the scale of new housing to no more than 2.5 storeys to ensure that the development is not out of keeping with the established scale of surrounding dwellings. Pre-commencement conditions will require section drawings through the site showing how the buildings are to be set into the existing landform and details of the foul drainage and surface water drainage strategy based on SuDS and informed by groundwater monitoring. Vehicular access is to be from Plainwood Close only given the unsuitable nature of Warren Farm Lane as an access to the site.

Section 106 Agreement

At the October 2017 Planning Committee meeting it was resolved to approve this application subject to completion of a section 106 agreement securing the five matters identified in paragraph 8.17 of this report. Additionally members resolved to seek a further clause requiring officers to use 'best endeavours' to secure a combined pedestrian and cycleway link from the site to Centurion Way. Following the Committee resolution, preliminary work by the Council's solicitor on the legal agreement ascertained that the applicant does have ownership/control over the area of land at the end of Plainwood Close which is outside the red line application boundary but would enable the link to be delivered. Officers have now successfully negotiated with the applicant and WSCC that a combined pedestrian and cycleway link can and will be delivered as part of the development and propose that an additional clause is included in the section 106 agreement to that effect. This will replace the 'best endeavours' clause that the Committee resolved to impose at the October meeting and now provides certainty that a sustainable walking and cycling link through to Centurion Way will be delivered with this development, immediately to the north of the site. The precise details of this link will be provided as part of the future reserved matters application for the detailed layout of the development.

- 8.17 This development is liable to pay the Council's CIL charge. In addition there are certain site specific matters which will form part of a section 106 agreement. The proposed heads of terms for that agreement are:

- 30% affordable housing so 6.3 units in total for the development. With the Council's permission, 4 dwellings for rent have already been provided off-site at York Road, Chichester by Affinity Sutton (Downland Housing) in lieu of part of the affordable housing obligation at Warrendell. These 4 homes have now been occupied for about 11 years. The remaining balance of 2 no. dwellings are to be provided as low cost affordable homes for sale on the site at not more than 50% of market value as 2 bed flats.
- An affordable housing commuted sum contribution based on the 0.3 as the outstanding balance and calculated according to the formula in the Council's Planning Obligations and Affordable Housing SPD.
- A contribution for recreational disturbance mitigation (wardening) at Chichester Harbour SPA in accordance with CDC Local Plan policy 50 = £3,801 (£181 x 21).
- Open Space - on site provision, management and future maintenance including retention of the wildlife pond and a detailed ecological regime for the pond area.

- SuDS - on site provision, management and future maintenance.
- **Provision of a combined pedestrian and cycleway link from the site to Centurion Way**

Conclusion

8.18 The circumstances applicable to this application are unprecedented in terms of the longevity of the application remaining undetermined, despite repeated attempts by officers to have it withdrawn. The reframed proposal as an outline application is finally considered to unlock the impasse. The planning position is that the site remains in the settlement boundary for Chichester wherein there remains, as there was in 1998, a presumption in favour of proposals for new housing development. The principle of new housing development on this site is therefore acceptable. The site circumstances have varied since 1998 in as much as the site has become more vegetated and overgrown and a number of new dwellings have been erected around the site perimeter as detailed in the report. Officers having reassessed this in terms of the planning policy position today conclude that no different an outcome should be reached now than the Committee came to in 1998. The proposed development at Warrendell is at a low density - approximately 17 dwellings per hectare. This ensures that a development can be accommodated on the site whilst allowing for retention of the existing pond and the TPO trees.

8.19 The bigger picture is that it is crucial for the Council to demonstrate that it can continue to provide new housing to meet the 5 year housing land supply requirement imposed via the NPPF and this weighs heavy in the final planning balance exercise. Warrendell is one of a limited number of remaining sites of this size within the settlement of Chichester that can accommodate a development of 21 dwellings and can thus help towards delivering that requirement. The Committee is therefore recommended to approve the application with the upgraded conditions schedule and subject to the Section 106 agreement. Given however that this position has been reached before without the required s106 agreement being completed, the Committee is asked to delegate authority to officers to refuse permission in the event that the S.106 agreement is not completed within 6 months of the Council resolution on the grounds that the affordable housing and other infrastructure outlined in paragraph 8.17 above has not been secured.

Human Rights

8.20 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 (as amended) THEN PERMIT. IF SECTION 106 NOT COMPLETE WITHIN 6 MONTHS OF RESOLUTION THEN DELEGATE TO OFFICERS TO DETERMINE subject to the following conditions and informatives:-

1) (i) Approval of the details of the layout of the site, the scale of the building(s), the appearance of the building(s) or place, the means of 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 details of the layout of the site, the scale of the building(s), the appearance of the building(s) or place, the means of 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 not be carried out other than in accordance with the approved plans: Location Plan at 1:1250 and Site Plan at 1:500 both showing ILLUSTRATIVE ONLY layouts.
(The application is additionally accompanied by a suite of ILLUSTRATIVE ONLY elevations, floor plans and section drawings.)

Reason: For the avoidance of doubt and to ensure the development complies with the planning permission.

4) **No development shall commence** until a Construction and Environmental Management Plan (CEMP) has been submitted to and been 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 commence on site until plans of the site showing details of any earthworks have been submitted to and been approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing and retained trees and vegetation and the surrounding landform. The development thereafter shall be carried out in accordance with the approved details.

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

7) No development shall 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.

8) **No development shall commence** until the discharge of any flows to a watercourse has been approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority (WSSC). Any discharge to a watercourse must be at a rate no greater than the predevelopment run off rates. The approved discharge rates must be adhered to.

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

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

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

10) **No development shall commence** until the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the phase has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site. The access and maintenance arrangements shall be implemented as approved.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. The details are required pre-commencement these details relate to the construction of the development and thus go to the heart of the planning permission.

11) **No development shall commence** until such time as temporary arrangements for access for construction traffic has been provided in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. The temporary access arrangements shall thereafter be retained as permitted during the course of construction, unless any variation is first agreed in writing by the Local Planning Authority.

Reason: To ensure safe and satisfactory means of vehicular access to the site during construction. It is considered necessary for this to be a pre-commencement condition as these details may be influenced by the program for the build and therefore need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

12) 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 potentially contains deposits of archaeological significance and it is important that any such be identified and preserved from destruction by development.

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

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

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

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

15) **No development shall commence** until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured.

16) **No development shall commence** on site until the method of piling/foundation design has been submitted to and be approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved methods.

Reason: In the interests of protecting the amenities of neighbouring properties and the wider area. 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

17) **No development shall commence** on site until protective fencing has been erected around all trees protected by a Tree Preservation Order, shrubs, boundary hedging 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.

18) No development shall commence until a Landscape and Ecological Management Plan (LEMP) setting out measures to ensure the delivery and long term management of open spaces, including the retained wildlife pond and areas of ecological value, has been submitted to and been approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the measures included in the LEMP, including timing and phasing arrangements, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for enhancement of the nature conservation value of the site in line with national planning policy.

19) No development shall commence unless and until a program for the implementation of the reptile mitigation strategy as set out in the submitted Reptile Population Class Assessment Survey Report (July 2016) by Lizard Landscape Design has been submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

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

20) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

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

21) **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.

22) **No development shall commence** until details showing the approximate location of 1 fire hydrants (or such number as may be required in accordance with West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

Prior to the first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of the fire 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.

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

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

24) **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.

25) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 07:30 hours and 18:00 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

26) Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order **other than** as specified on the submitted application documents.

Reason: To clarify the extent of this permission.

27) Notwithstanding condition 1 on this outline permission, the only means of vehicular access to the site shall be from Plainwood Close.

Reason: In the interests of highway safety given the limited width, alignment, unmade surfacing and restricted access along Warren Farm Lane at its junction with Brandy Hole Lane.

28) The development shall provide visibility splays of 2.5 metres by 70 metres east of the proposed site vehicular access onto Plainwood Close in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. 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.

29) The internal access road serving the development hereby permitted shall be constructed with a minimum carriageway width of 5.5 metres.

Reason: In the interests of site accessibility and highway safety.

30) The provision of car parking for the development hereby permitted shall accord with the requirements of the West Sussex Parking Calculator unless any variation to this requirement is specifically agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory level of car parking is provided on the site in accordance with the permitted mix of housing and the prevailing site circumstances.

31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) any domestic garage which is to be provided with a new dwelling shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

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

32) The maximum height of any dwelling permitted by this development shall not exceed 2.5 storeys.

Reason: In the interests of amenity.

33) 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.

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) S106

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

3) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

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

5) 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 Jeremy Bushell

Agenda Item 7

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/01259/FUL

Proposal Proposed decking with ramp and retractable canopy.


Site Billy's On The Beach Kiosk Bracklesham Lane Bracklesham Bay Chichester
West Sussex
PO20 8JH

Map Ref (E) 480489 (N) 96367

Applicant Mr Christopher Fry

RECOMMENDATION TO PERMIT



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

1.1 Parish Objection - Officer recommends Permit

1.2 This application was deferred at the meeting on 11 October 2017 for a Members site visit and for officers to further address concerns raised by the Foreshores Officer.

2.0 The Site and Surroundings

2.1 The application site is located within the settlement of East Wittering. It forms the south western part of a single storey building, located adjacent to the foreshore of Bracklesham Bay. The building is blue and white clad, with glazed elevations.

2.2 The northern part of the building is in use by the foreshore office and the eastern part provides public conveniences. To the east of the building is a hard-surfaced public carpark, with residential properties beyond. An access road for the foreshore vehicles and an area of open grassed land lies to the west of the site. To the south is an area of seating in association with the café and the foreshore beyond.

3.0 The Proposal

3.1 The application seeks to extend the existing building, to form an outdoor enclosed seating area to the front (south) of the building. It would project 6m from the rear of the existing south elevation, comprise of a raised decking and would have a retractable PVC fabric canopy. There would be lower level walls constructed of cladding to match the existing building and the frame would be white coated aluminium, with an eaves height of 2m and maximum ridge height of 3.9m, subservient to the existing building. A new disabled ramp is proposed to the east of the building, allowing for disabled access into the café.

3.2 The proposal would involve the relocation of the foreshore access route 4m further to the south than its existing position. The size and orientation of the bell mouth would remain the same as the existing access and visibility for egressing vehicles will remain acceptable. A pedestrian footpath is proposed around the newly extended building and new crossing point proposed across to the foreshore hardstanding.

4.0 History

13/01156/FUL	PER	Proposed extension to existing kiosk creating a permanent cafe.
13/02018/DOC	DOCDEC	Discharge of Condition Nos. 5 (i-vii) and 6 from permission EWB/13/01156/FUL.
14/02299/PD	REC	Proposed extension.
14/02725/FUL	PER	Single storey extension on the northwest elevation.
15/00380/NMA	PER	Non material amendment to planning permission EWB/14/02725/FUL. To substitute 'Letterbox' style window for a larger style window.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION: The Parish Council agree that, in principle, it is a good idea, but is concerned about the layout. It suggests that a barrier should be installed at the end of the disabled access ramp. Concern was also raised about whether a drop down post on the south west corner of the new build is sufficient protection for pedestrians and disabled users. The Parish Council supports concerns stated by the Foreshore Office, Estates Department and Highways around access to a pathway, parking spaces and coastal protection. The loss of parking spaces on this busy seafront, which provides the majority of access to the beach in Bracklesham will be detrimental for our visitors. The proposal removes the public footpath from the south elevation of Billys creating conflict with pedestrians and vehicle movements as people would be forced on to the road to access the beach, Billys Café, the car park and the public toilets.

6.2 WSCC Highways

7th September

The Local Highways Authority (LHA) has been provided additional information relating to the red edge boundary, additional information also includes various queries raised by the parish council and responses from the applicant.

The amended plan has outlined an alternative site boundary plan, however does not change any of the design to that previously commented upon by the LHA.

The LHA would like to address several points from various representations made on the Chichester Planning Portal.

- It has been outlined that currently tables and chairs at Billys on the Beach spill out onto the highway with pedestrians forced to be routed into the slipway. The inclusion of an established decking with chairs and tables encloses restaurant visitors into a designated area, allowing free flow of pedestrians on the footway and alleviating the requirement for pedestrians to be routed into the Highway.
- Parking is not altered by this proposal; therefore any existing parking and amenity matters will be a matter for the Local Planning Authority to consider.

- Finally, any alterations to the direction in which traffic is directed around the car park would be required to be dealt with by the proprietor of Bracklesham Lane Car Park.
- Would it be feasible to re-site the Catering Van so as to position the opening hatch facing to the west? Pedestrians would then be encouraged to stand within an area separate to vehicles and may alleviate some of the local concerns.

The plans as submitted do not materially alter from those previously commented upon by the LHA, therefore no highways objections would be raised from this proposal.

19th July - *Summary*

The applicant is seeking to extend the existing restaurant and relocate the access further south of the development. The Local Highway Authority (LHA) were previously consulted regarding this proposal and requested further information from the applicant regarding the existing and proposed parking layouts. The applicant has now provided this documentation.

Comments

The plans demonstrate that parking remains as existing within the car park and no alterations will be made to the layout or arrangement of these spaces. The internal access alterations onto the Slipway will be arranged via a Minor Works agreement with the Area Office. The applicant will be required to approach the Area Officer to obtain a license to carry out these works in the highway. Adequate space is considered for vehicles to manoeuvre within the amended layout.

The LHA query the requirement for the need and function of the bollard which appears beside the gate within drawing no. 10057 - DPA - 07. Removal of this would improve accessibility around the site. This matter would however be discussed at the detailed design stage with the Area Engineer.

Parking restrictions are enforced along the publicly maintained highway in the vicinity of the site to deter visitors from parking in unsafe locations. Any overflow parking that occurs on the public highway in a dangerous position on road or obstructing free passage of highway could X be dealt with as an offence under Section 22 Road Traffic Act 1988 and Section 137 Highways Act 1980 (respectively). Both of these acts are enforceable by Sussex Police.

Conclusion

Based on the consideration that this proposal does not alter the existing parking arrangement and the proposed would not be anticipated to generate a material intensification over the existing use in this location, the LHA raise no objections to this proposal.

6.3 CDC Environmental Health Officer

No Objection to proposal.

It does not increase the number of outside tables so there should be minimal change in noise to neighbouring residents. I would ask that a condition be attached to any consent granted to prohibit the use of any form of music or amplified speech in the new covered area to minimise the potential for noise nuisance. I appreciate that persons may be sat out longer under the covered area than in the existing open area

6.4 CDC Drainage Engineer

7th July

We have reviewed the updated plans, it is now clear that alterations to the back of the sea wall are proposed. We are satisfied that we have covered this in our consultation response on the 17th May 2017, and therefore have no further comments to those made by us on the 12th and 17th May which remain relevant.

17th May

We would like to make comments in addition to those we made on 10th May 2017. Having been made aware of potential access issues with the proposed new alignment we visited the site on 16th May 2017. During which it was considered that there may need to be alterations undertaken to the concrete apron, which is an integral part of our sea wall. In principle we are not opposed to minor alterations to this apron subject to no increase in flood risk or overtopping. We recommend if the application is approved that an advisory be added which makes it clear that consent of the Coast Protection Authority (Chichester DC) will be required for any alterations to the sea wall / apron. This will be an additional requirement to planning permission. To relocate the public highway an area of tarmac will need to be removed which will leave an exposed face of the apron. From a visual and structurally perspective (to prevent possible undermining of the concrete deck) it would be helpful to see details of how this area will be finished. From a structural perspective this could be covered by the consent process.

12th May

Flood / Erosion Risk - The property is located adjacent to the coast, The policy (subject to funding) for this frontage is "hold the line" and the site currently benefits from a concrete sea wall and a healthy shingle beach. We have no objection to the proposed location of the extended restaurant.

The access which is proposed to be moved, is required by the council for services including coast protection works, including emergency response. We would like some assurance, and recommend that it be conditioned that access for our plant is maintained throughout the construction phase. We envisage this to mean that the new road layout will need to be useable before the old access is closed.

Surface Water Drainage - Although there is limited information on the proposed means of surface water drainage the application states "main sewer". This is not an acceptable approach and were commend the application is not approved until they submit an acceptable approach.

6.5 CDC Foreshores Officer

11.01.2018

The swept path analysis provided shows just how tight the space is for a car and boat to manoeuvre in the re-designed access, there are several locations where a vehicle may hit a curb, the gate or a parked boat trailer.

According to Mr Ellis the swept path analysis shows a “large vehicle towing a 7m boat trailer”. Looking at the actual dimensions used the car is “large” at 5.781m long, however considering that we often have large vans, 4x4’s and of course our tractor fitted with a loader this is not unreasonable. Unfortunately the “7m long boat trailer” actually only equates to a 5.3m long boat (allowing for the outboard overhang and trailer drawbar). The swept path analysis should be re-done with a 6.5m long boat as requested.

Looking at the drawing provided when the gate is open it will stick out past the gate retaining post and in to the access road. This not only effects vehicles movements but it blocks people walking down the footpath to the West of Billy’s to the sea. I stand by my comment and Mr Ellis should review this again as it has a knock on effect to the location of the gate, the new pedestrian crossing and the swept path analysis.

Regarding unhitching trailers on the slope Mr Ellis states “They can unhitch where they consider appropriate, as they now do.” This is ill-considered as people unhitch on the flat service road by the gate as this is the only area wide enough to turn a boat and trailer around. Moving the gate 4m Southwards puts this turning area on a slope which is potentially dangerous.

25.05.2018

I object to the current proposals on grounds of Public safety, Accessibility and the detrimental effect it would have on the day to day operations of the Foreshores service.

Public safety

The proposal removes the public footpath from the south elevation of 'Billy's' creating conflict with pedestrians and vehicle movements as people would be forced on to the road to access the beach, Billy's cafe, the car park and the public toilets.

The proposed extension would inhibit sight lines for vehicles manoeuvring through the entrance to the Foreshore Office and slipway. This creates potential conflict between pedestrians and vehicles. Members of the public, the Foreshore service, rescue services and contractors use this entrance to access the beach and Foreshore Office.

The proposed south west corner of the extension is immediately adjacent to the roadway which will make it vulnerable to collision from manoeuvring vehicles and trailers. Putting customers at risk.

Once we've recovered a boat up the slipway the boat has to exit through the car park so we unhitch the boat trailers by the gate. Moving the entrance several metres southwards. There is a risk the trailers will run down the slope and cause an accident.

There appears to be no safety barrier at the bottom of the cafe entrance ramp which would act as a barrier to stop people (particularly children and those with mobility issues) from walking in to the path of oncoming vehicles.

Accessibility

The proposals appear to mean that the slope to the concrete apron will be removed, with a new dropped kerb on the 'Foreshores' side of the gate. This restricts access to those with mobility requirements. The proposal needs to include a new slope on to the concrete apron from the car park side as currently exists.

If the gate is locked horses can access the slipway by walking around it. The proposal will present a hindrance to horse riders when the gate is closed as the slope is removed to the apron from the car park side of the gate. A 1m wide access at the side of the gate is not sufficient for horse access.

6.6 **CDC Economic Development Officer**

...Billy's are now serving 70,000 customers a year, impacting positively on the adjoining public car park. In off peak season they employ 10 full time staff, with 15 part time staff. In peak season, they provide employment for an additional 15 people. This totals 40 people in employment during the peak season. As the majority of the employees live in the local area, this business undoubtedly has a positive economic impact on the community.

The applicant and their architect have consistently tried to deal with all issues arising from their application and are willing to make changes to their plans, in order to facilitate the use of the wider area for all users to enjoy.

Policy 3 of the Local Plan says:

"Sustainable Growth of the local economy will be supported through the provision of a flexible supply of employment land and premises to meet the varying needs of different economic sectors. This will comprise:...

- Protecting and enhancing existing employment sites and premises to meet the needs of modern business...**
- Supporting and promoting high quality tourism economy...**
- Supporting and facilitating proposals and initiatives which contribute to implementing the priorities identified in the Economic Development Strategy for Chichester District"**

The Economic Development Strategy has 4 priorities, of which 3 are pertinent to this application:

- 1. Attract and retain working age talent – This application will provide an enhanced leisure facility for working age talent, as well as visitors and retired people.**
- 2. Create the conditions to support growth-orientated businesses – This application supports the physical growth of this business. The Economic Development Strategy goes on to say that "Growth orientated businesses are not confined to particular sectors, but they need the right business**

accommodation in the right locations". Billy's on the Beach is in the right location this application is key to their growth.

3. **Make best use of the District's Natural and Cultural Assets – The Districts beaches and coastline are undoubtedly some of best in the area. This business is providing a service for visitors and because of the good reputation the cafe has, it encourages people to visit this area.**

In summary, this is a popular and important business, which supports the District's visitor economy and provides up to 40 jobs. For these reasons, Economic Development fully supports this application.

6.7 CDC Estates Officer

The applicant has a leasehold interest in part of the application site and I would comment on the application as below:-

- 1) **The applicant must seek Landlord's consent for the proposed works, in addition to planning permission. Should planning permission be granted, we would ask that it be made clear to the applicant that Landlord's consent cannot be presumed.**
- 2) **The application site extends beyond the land leased to the applicant and the separate discussions must take place to establish the principle of whether the Council is prepared to agree to extend the leased site.**

6.8 Third Party Comments

5 letters of objection have been received, raising the following concerns;

- a) Highway safety concerns
- b) Impact on foreshore services
- c) Loss of parking
- d) Health and Safety implications

41 letters of support have been received, raising the following matters;

- e) Economic benefits for local area
- f) Allows continued growth and support to meet demand

6.9 Applicant/Agent's Supporting Information

- **The planning drawings show an identical turning head as the one that currently exists; we know that the existing turning heard works without a Vehicle Tracking drawing, so the proposal is no worse than currently exists.**
- **The Foreshore Officer asked in his original request for a the Vehicle Tracking drawing to show a "tractor towing a trailer" which on average would be no longer than 4-5m in length, the vehicle shown in the drawing towing the trailer is almost 2m longer and shows the worst case scenario.**
- **If the Vehicle Tracking was shown with a tractor as requested the result would be better than the drawing provided by Paul Basham Associates.**

- **As a 7m trailer could tow a 6.5m boat, as it is the trailer length that effects the vehicle tracking path there is no need to re-do the swept path tracking that has already been done.**
 - **The drawing provided by Paul Basham Associates gives a very robust assessment of a vehicle towing a trailer.....**
 - **The gate when open will not affect vehicle movements or block access on the footpath, all work would be carried out in accordance with Building Regulations and West Sussex Highways permission and would be built to satisfy all required safety regulations.**
- i) I can confirm that the post referred to in the objection comments are in fact on the edge of the roadway and not on the pavement. This is due to the plans.
 - ii) I can confirm that existing flush level between the carpark area and the access to the restaurant would be maintained. There will be no new steps, we have suggested that the edge of the roadway could be defined by line markings which would improve the current position.
 - iii) The proposed design does move the access and barrier (gate) further over onto the location of the current concrete apron. The design however keeps exactly the same radii for the bell-mouth and the same width of access road to the ramp.
 - iv) The access to the van is not part of this application, however we would note that the proposed arrangement should not negatively impact on the current arrangement. I note at the time of writing that Highways have not expressed any objection to the proposal. I also understand that outside of this application discussions are underway about the possibility of having some form of temporary barrier in place to allay the concerns raised.
 - v) There is no requirement to unhitch the trailers any further down the slope. The trailers can be pulled as far forward as they currently are. We note also that WSCC highways have raised no objection.
 - vi) The proposal does not affect the access to the WCs

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for East Wittering 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 29: Settlement Hubs and Village Centres

Policy 38: Local and Community Facilities

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 44: Development around the Coast

Policy 49: Biodiversity

National Policy and Guidance

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

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

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

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

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

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

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- 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 the development
- ii) Character of Area
- iii) Highway Safety
- iv) Impact on the amenities of neighbouring properties
- v) Other Matters

Assessment

- i) Principle of the development

8.2 Local and National Development plan policies have a general thrust towards supporting the economic growth of businesses. Policy 3 of the Local Plan places a strong emphasis on promoting enterprise and creating an environment which will encourage local business to grow. As such it is considered that the growth and expansion of such a business is

supported by policy, subject to material considerations, including visual impact and highway safety as set out below.

ii) Character of area

8.3 The existing building has been designed, through the use of coloured composite cladding, to be characterful and reflect its beach side location. The extension would project 6m to the south of the building and would comprise an aluminium structure, cladding at the lower wall levels and a retractable PVC fabric canopy, forming an enclosed outdoor seating area. The level of projection, style and form of the extension would result in a subservient structure to the main building and would provide for an enclosed seating area, reducing the visual clutter from the table and chairs which currently are located directly to the front of the building.

iii) Highway Safety

8.4 The proposal would result in the relocation of the existing access route, to allow for extension. This would be moved 4m further to the south and would involve removal of a portion of the existing hardstanding. There would be no alteration to the location of the catering van to accommodate this change to the access road. Furthermore, it would not be necessary to reduce parking provision in order to accommodate the extension of the access road.

8.5 Concerns have been raised by third parties and the foreshore officer about the ability to adequately turn vehicles when entering the foreshore access road. Through the course of the application the route of the road has been amended and now allows for vehicles and trailers to have adequate turning and manoeuvrability. The new bell mouth would provide for the same manoeuvrability as the existing, with the similar visibility in each direction for egressing vehicles. No objection has been raised by WSCC (highways). The gated entry point has been set 8m away from the car park, in a similar location to the existing, allowing for vehicles with trailers to pull clear from the car park access road. The Council's Drainage Engineer have advised that due to the requirement to continually access the foreshore, the existing access route must be kept in use through the construction phase of the new route. It is considered that this requirement is reasonable and should therefore be the subject of condition to any permission.

8.6 Additional supporting information has been provided by the applicant which seeks to demonstrate that the tracking of the proposed amended road route is accurate and achievable for the vehicles using the road. The tracking has been prepared by the applicants transport consultants and has demonstrated what the applicant considers to be the worst case scenario, using a vehicle 5.8m in length and towing a trailer 7m in length. Whilst the plan shows that turning may be slightly tight in parts of the road, it nonetheless demonstrates that the manoeuvrability can be achieved on site. The agent note the request from the Foreshores Officer to provide vehicle tracking showing a 'tractor towing a trailer', and notes that on average this would be no longer than 4-5m in length. The applicant's transport consultant has advised that a 7m trailer could tow a 6.5m boat and it is the trailer length that affects the vehicle tracking path. The agent advises the gate, when open, would not obstruct the footpaths or dropped kerbs. Concerns were additionally raised about the impacts from the queuing of those accessing the burger van. This does not form part of the application, however the owner has

confirmed the van will be turned to face the sea and not the carpark, to ensure a queuing system does not spill onto the road or car park. Subsequently on the basis of this technical information and advice, the proposed foreshore access route is considered acceptable.

8.7 The creation of a formal enclosed seating area would improve the current situation which exists on site, with regard to highway safety. Tables and chairs are located to the front of the existing premises and are inevitably moved around to accommodate those using them, with reports of incidences where the seating has blocked the public footpath. By enclosing the seating area it would prevent the overspill and spread of seating and allow for a clear delineation between the footpath and the seating area. The proposal would also provide for a pedestrian crossing place over the foreshore access, allowing for a safer and clearer crossing point for pedestrians and car users. This would be an improvement from the existing arrangement currently in place.

iv) Impact on the amenities of neighbouring properties

8.8 The site is set some distance from neighbouring residential properties; >40m at an oblique angle to the north, >30m to the west and >70m to the east. Due to the prevailing winds noise travels west to east. There is potential for some noise to travel particularly due to the more open nature of the seating area at it is therefore considered necessary to condition the opening hours of this area to prevent any noise or disturbance during the evenings. It is also considered important to condition the amount of seating provision in this location, to limit any potential for adverse disturbance.

v) Other Matters

8.9 Concerns have been raised from third parties about the catering van and how this is operating in terms of a queuing system. This does not however form part of this application, and the merits of repositioning of the trailer would fall outside of the consideration of the matter to hand.

8.10 The proposal would result in the reduction in the outdoor seating area as approved by application EWB/15/02699/FUL. Therefore should a greater capacity of seating be required in the future this would require a further planning application and would be subject to consideration of the relevant merits of such a proposal at that time.

Conclusion

8.11 Based on the above assessment it is considered the proposal by reason of its design and form would result in a subservient form of development. The inclusion of a pedestrian footpath and safe crossing point would ensure safety of highways users complies with development plan policies and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

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

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

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

4) Notwithstanding any details submitted **no development to the extension shall first 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.

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

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

6) Prior to the construction of the extension or any demolition or removal of the existing access road, the new access route shall first be laid out and constructed in accordance with the approved plans. The existing access shall be retained until such time as the new access can be brought into first use.

Reason: To allow the continued safe access to the foreshore in the interests of health and safety.

7) The extension hereby approved shall not be brought into first use until such time as the pedestrian footpath and pedestrian crossing are first laid out in accordance with the approved plans.

Reason: In the interests of safety.

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

- 08.00 and 22.00 Mondays to Sundays

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

2) The applicant is respectfully reminded that this is an application for planning permission only. It does not approve or agree to the extension as part of the leasehold of the site. The applicant must first enter into such agreements with the Land Owner before planning permission is implemented.

3) The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

For further information on this application please contact Caitlin Boddy

Parish: Southbourne	Ward: Southbourne
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SB/17/02596/FUL



Proposal Erection of 1 no. dwelling.

Site Land At 5 Barnfield Close Southbourne Emsworth Hampshire PO10 8NH

Map Ref (E) 476997 (N) 106502

Applicant Mr B Barford

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 Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the designated Settlement Boundary of Southbourne. The site lies to the northwest of the cul-de-sac and comprises a plot roughly triangular in shape in a corner position at the head of the road. The street is characterised by semi-detached bungalows along each side of the road, albeit some have been extended to provide rooms in the roof, and there are two storey properties on the adjoining Kelsey Avenue. Within close proximity of the application site there are a number of dwellings that have been constructed in back land positions, and the variety in siting, scale and appearance of dwellings results in a mixed character to the surrounding area.
- 2.2 The external materials of surrounding properties include brick and cladding to the walls with concrete tiled roofs. The street has an open-plan character created by minimal boundary treatments to the front of the properties, although hardstanding is provided to the front of most dwellings to provide off-road parking spaces.

3.0 The Proposal

- 3.1 The application involves the erection of 1 no. single storey detached dwelling within the garden of an existing dwellinghouse.
- 3.2 The proposed dwelling would be a detached bungalow sited to the north of the existing bungalow on the site with a footprint of 9m x 8m. The eaves height would be 2.2m above ground level and the ridge height would be approximately 5.25m. The roof form would be hipped with symmetrical proportions and a short central ridge line. The property would include two bedrooms with a bathroom, kitchen and living room. No rooms are proposed within the roof space. The rear garden of the existing dwelling would be subdivided to provide amenity space for the proposed and existing dwelling and 3 no. parking spaces would be provided to the front of the new bungalow and the existing dwelling.

4.0 History

93/00492/DOM PER Erection of a conservatory to rear elevation.

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

Objection - the development will have a detrimental impact on the street scene due to overcrowding

6.2 WSCC Highways (summarised)

05/01/2018

Amended plans have been received with an amended red edge of the site to include the parking area to the front of no. 5. The elevation/ floor plans have also been altered to show a single car parking space fronting the existing dwelling. As per previous comments dated 13th October 2017 this furthest north space would not be sufficient to accommodate a car off-street due to insufficient depth fronting the means of entrance/ escape to the dwelling. The LHA advise that an amended parking plan would be necessary via condition demonstrating a car parking space of sufficient dimensions in an appropriate location (particularly in respect the parking for number 5). Any extending of the existing dropped kerb would need to be carried out under licence obtained from WSCC Highways. No highways safety or capacity concerns to resist the proposals. Recommend conditions to secure car parking spaces and cycle parking.

13/10/2017

Two off street car parking spaces are proposed fronting the existing dwelling. Approximately 5 metre depth is available which would be sufficient for the furthest south space but we would require 6m depth fronting the front door to enable it uses as a means of emergency escape. We have therefore assessed parking for existing dwelling on basis of one space being provided. We would advise that this is demonstrated on an amended plan, which can be secured via condition. If a resident parked here overhanging the footway this could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

The proposed dwelling will be provided with two off street parking spaces. This meets with the WSCC Car Parking Demand Calculator envisions for a development of this size and location. The existing dropped kerb should be widened to facilitate a manoeuvre to and from these spaces. These works should be done to licence and specification agreed with the Area Engineer. The site is located where alternative options for sustainable modes of transport could be taken up.

Southbourne Train Station is approximately 0.4 mile distant and a range of local amenities and services are within walking distance. Details of secure and covered bicycle storage could be secured under condition.

No highway safety or capacity grounds to resist the proposals.

6.3 Two Third Party Objections have been received concerning

- a) Congested parking at this point with number 6
- b) Overbearing on the west elevation of number 6
- c) Additional built form in combination with new house to north would engulf number 6.
- d) Application does not respect Local Plan which deems no building north of the railway line.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Southbourne Neighbourhood Plan was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 48: Natural Environment

Policy 49: Biodiversity

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

7.3 Southbourne Neighbourhood Plan:

Policy 1: Development within the Settlement Boundaries

Policy 4: Housing Design

Policy 7: Environment

National Policy and Guidance

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

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

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

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

- 7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), alongside sections 4, 6, 7, 10 and 11 generally.
- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following Supplementary Planning Documents and Planning Guidance are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
 - CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
 - CDC Waste Storage and Collection Guidance
- 7.8 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 on visual amenities and character and quality of site and surroundings
- iii. Impact on neighbouring amenities

- iv. Highway safety and parking
- v. Ecological considerations

Assessment

i. Principle of development

8.1 The site is located within the Settlement Boundary of Southbourne, a Settlement Hub which provides access to a range of services and facilities, including schools, shops and medical services. As such the application site lies in a sustainable location where new development is considered to be acceptable in principle in accordance with Policies 1 and 2 of the Chichester Local Plan (CLP) and Policy 1 of the Southbourne Neighbourhood Plan (SNP). Therefore the proposal is acceptable in principle subject to other considerations within the Development Plan and any planning considerations material to the case.

ii. Impact on visual amenities and character and quality of site and surroundings

8.2 The proposed bungalow would be of a size and scale that is considered sympathetic to the existing built up residential character of the site and surroundings. Existing properties have close wall to wall relationship, the eaves and ridge heights would be comparable with the neighbouring bungalows on each side, and off-road parking to the front of dwellings forms part of the existing character of the area.

8.3 Officers have sought amendments to the scheme during the application process to reduce the bulk of the roof form, and the alignment of the boundary between the rear garden of the existing and proposed dwelling has been amended to increase the size of the garden proposed for the new dwelling. In addition, amendments to the parking have been secured to address the matters raised in the original Highways comments dated 13/10/2017 (as above). Although the proposed development would result in a new dwelling on a relatively small plot, there would be a separation distance of 1m between the proposed dwelling and the eastern boundary of the application site and 7m from the proposed dwelling to the flank wall of the dwelling to the east (6 Barnfield Close) at the closest point. The distance to the dwelling to the south (5 Barnfield Close) would be 2m at the closest point, also increasing to the rear due to the angle of the proposed dwelling. Furthermore, the property would be set back behind numbers 5 and 6 and at an angle limiting views to localised glimpses from the head of the cul-de-sac only.

8.4 It is also important to note that a similar development exists to the opposite side of the cul-de-sac (7A Barnfield Close). This property is built and occupied and although sited further back within the plot highlights the possibility for a small bungalow in this location. Other similar developments have also been carried out on the surrounding streets, including Eastfield Close which lies to the east of Barnfield Close, and on Stein Road to the south west of the application site.

8.5 It is therefore considered that the relationship between the proposed development and the neighbouring properties would be in keeping with the close-knit form of development surrounding the application site. As such the proposal would not give the appearance of a cramped form of development or an over-development of the site. It is considered that the proposed development would not be out-of-keeping with the form of development that is found within the locality, and due to the scale, massing and appearance of the bungalow

the proposal would not be detrimental to the character or appearance of the surrounding area.

iii. Impact on neighbouring amenities

- 8.6 Policy 33 of the CLP seeks to safeguard the amenity of neighbouring properties. An objection has been raised, from number 6 Barnfield Close, due to the size and close proximity of the new bungalow to the boundary and their western elevation and garden area. It is considered that by reason of the separation distance as detailed in paragraph 8.3 of this report, combined with the low level form, modest size of the proposed dwelling building and the use of the space to the west of 6 (garage and driveway with an alley between the house and garage), this development would not be overbearing or oppressive. Furthermore, the side walls of proposed property and 6 Barnfield Close would be at an angle to one another resulting in the space increasing as you progress further within the sites resulting in a wall to wall distance increasing from 6m to 13m toward the rear of the dwellings. Boundary treatments would be secured by a condition and with the exception of a bathroom window (which would be conditioned to be obscure glazed) no openings are proposed to the eastern elevation or roof slopes, thereby ensuring no overlooking would arise as a result of the proposed development.
- 8.7 With regard to the impact on the amenity of 5 Barnfield Close; the properties would be separated by a distance of 2m, with the majority of the new bungalow being set behind and at an angle to the northern flank of number 5. The gardens would be divided by a boundary treatment to allow sufficient private amenity space for the application site and 5 Barnfield Close. A condition is suggested to ensure that the boundary is of an appropriate height. It is considered that due to the siting of the proposed dwelling within the site that the proposal would not result in a significant adverse impact upon the neighbouring property, and therefore the proposal would be acceptable in this respect.
- 8.8 To the rear of the application site (northwest) there is a public right of way (PROW /designated footpath) and beyond the PROW a new housing development for 4 chalet bungalows that has been implemented (reference 01/00676/FUL). The side wall of the closet dwelling that forms part of this development (3 Wentworth Drive) can be viewed from the garden of the application site. Given the low level of the proposed development and the separation provided by the PROW and the garden of the application site (amounting to a distance of 9m in total) the additional impact in this direction would not be overbearing or oppressive. No roof openings are proposed and therefore the proposal would also not result in an unacceptable level of overlooking. Due to the parallel alignment with the rear garden of 3 Wentworth Close it is suggested that Permitted Development rights should be removed regarding first floor openings (dormers and rooflights etc.) to ensure the proposed dwelling is not altered in the future to provide first floor accommodation without a grant of planning permission.
- 8.9 Regarding the living conditions of the future occupants; the use would be compatible with this residential environment and sufficient external private garden to the rear and side of the new property would facilitate appropriate external amenities for a modest 2 bedroom bungalow.

8.10 On balance of the details of this case it is considered that the proposal would not be detrimental to the amenities of the neighbouring properties and gardens and would provide suitable living conditions for the future occupants.

iv. Highway safety and parking

8.11 WSCC Highways have not raised an objection on highway safety grounds. The application site is within a designated settlement and within safe walking and cycling distance via existing roads and pavements and a train station and bus stops are nearby. Southbourne also includes various shops and services. The location of the site is therefore considered to be sustainable.

8.12 Hard surfaces and utilisation of front gardens for the parking of vehicles exists within surrounding properties. One parking space would be provided to the front of 5 Barnfield Close (not in front of the front door as advised by WSCC Highways). There would also be space for 2 parking spaces to the front the new property. The provision of 3 parking spaces accords with the requirements of the WSCC Parking Calculator for 2 allocated and 1 unallocated parking spaces. WSCC Highways have requested conditions to secure the provision of the car and cycle parking. A shared driveway arrangement could be utilised with open plan character to respect the existing open plan character of the cul-de-sac. This aspect could take a similar approach to the development of 7A and leaving it open would allow for the perception of more space to this corner. Even with the proposed property being set further forward than 7A this would retain sufficient space for off road parking. Landscaping and parking conditions are suggested to ensure these aspects of the character of the area are retained.

8.13 Overall the impact on highway safety would not be severe and the parking would be achievable without causing highway safety concerns and would also respect the open plan character of the close and would be possible, considering the amendments, without appearing cramped from the street scene.

v. Ecological considerations

8.14 The application site lies within 5.6km of the Chichester and Langstone Harbours Special Protection areas where new residential development is likely to have a significant effect upon the SPA. A Unilateral Undertaking and payment toward the Solent Recreational Disturbance Mitigation Scheme has been submitted in order to mitigate the likely significant effect on SPA. The proposal therefore accords with policy 50 of the CLP in this respect.

Conclusion

8.15 Based on the above it is considered the proposal complies with development plan policies 1, 2, 8, 39, 33, 47, 40, 42, 48, 49 and 50 and NP policies 1, 4 and 7 and there are no material considerations that indicate otherwise therefore, subject to conditions this 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: 11138-1A, 001.A and 002.A

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

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

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

4) **No development shall commence** until 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 until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

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

6) The development hereby permitted shall not be first brought into use until; full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include;

a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

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

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

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

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

8) 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.

9) **No part of the development hereby permitted shall be first occupied** until vehicular 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 vehicle parking shall be retained for that purpose in perpetuity.

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

10) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) {b the dwelling shall not be first occupied until} the bathroom window northeast elevation of the development hereby permitted are permanently;

i) obscure glazed and fixed shut below 1.7 metres from the finished floor level of the room in which the window is installed.

the obscure glass shall be rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer)

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

11) All new external surfaces shall be constructed of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous surface within the site and thereafter shall be maintained as such in perpetuity.

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

12) 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, B, C, D 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.

13) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on any part of the application site without the grant of planning permission.

Reason: To ensure the development respects the amenities of the neighbouring properties and the visual character of the locality.

INFORMATIVES

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

2) The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

For further information on this application please contact Maria Tomlinson

Parish: Westhampnett	Ward: Lavant
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WH/17/03466/FUL

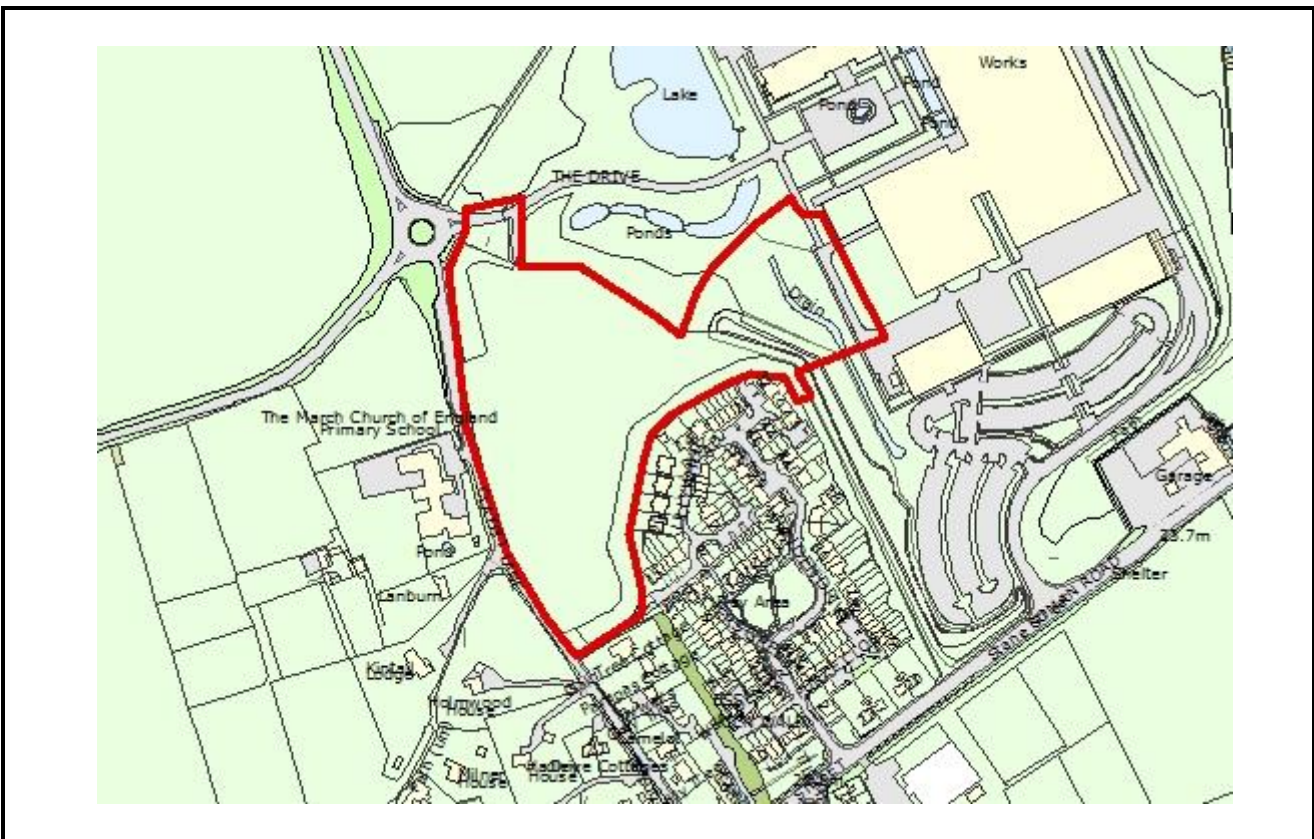
Proposal Proposed development of a new car park for Rolls-Royce Motor Cars including dedicated car park for The March Church of England Primary School, associated new access from The Drive and egress onto Claypit Lane, and associated infrastructure works, including landscaping and ground remodelling.

Site Land East Of Claypit Lane Adjacent To Rolls Royce Motor Cars Maudlin Westhampnett West Sussex

Map Ref (E) 488280 (N) 106571

Applicant Rolls-Royce Motor Cars 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 is located immediately beyond the boundaries of the existing Rolls-Royce car manufacturing plant. It is on adjoining land to the west owned by the Goodwood Estate and is bordered to the west by Claypit Lane which operates as a one-way street running north from Stane Street to the Madgwick Lane roundabout. To the south of the site, beyond a landscaped tree belt, are the rear gardens of the residential development at Lillywhite Road constructed in the late 2000's. The northern and eastern boundaries of the site comprise shrub and woodland landscape planting on contoured earth bunds associated with the factory. The proposed site is a field laid to grass comprising an area of approximately 3.8 hectares. It has a slight gradient from north east to south west towards Claypit Lane and is elevated above the road by approximately 0.5m. Adjoining the opposite west side of Claypit Lane is The March Church of England Primary School. The whole of the site lies within Environment Agency Flood Zone 1.

3.0 The Proposal

3.1 The application is for a new car park comprising the following key components:

- The laying out of a dedicated car park to provide 492 additional car parking spaces for the parking of employees, visitors and affiliates attending Rolls Royce Motor Cars (R-RMC) on the adjacent site
- The provision of a self-contained 40 car park space parking facility to be used and operated by The March Church of England Primary School with its own dedicated access and egress arrangement from Claypit Lane. The car park will be used exclusively for school purposes such as a parents drop-off facility and events associated with the school and will be gated
- Creation of a new gated egress-only onto Claypit Lane from the R-RMC car park and the upgrading of an existing gravel field access from The Drive to serve as the sole point of entry to the new car park at the north site boundary. The access will be gated.
- Creation of a pedestrian link from the car park to the R-RMC plant cutting through the existing landscaped bunds on the north boundary and incorporating 3 no. weatherproof canopies en-route
- New planting, landscaping and re-contouring of the existing land

3.2 The main access ways through both the proposed car parks are to be surfaced in black asphalt with the car parking bays in contrasting permeable block paving. A 3 metre high acoustic fence is proposed to be located along the southern boundary of the site where it adjoins the residential development at Lillywhite Road.

3.3 The different lighting proposals for the development comprise low profile marker lights located along the surface centreline of the parking access roads, low level (300 mm) lighting bollards to the footpaths and 3 metre high lighting columns with a maintained average luminance not exceeding 15.0 lux. The lighting proposed is designed to be adaptive so that it can be dimmable outside times of peak traffic flow to and from the site.

3.4 The proposed hours of use of the R-RMC car park are as follows:

06:30 to 22:00 Monday to Friday

09:00 to 17:00 on Saturdays

No use of car park on Sundays and Bank Holidays

3.5 A zoned parking area of 144 car parking spaces for staff who start work between 06:30 and 07:00 will be located adjacent to the far north side of the car park.

4.0 **History**

00/01899/CMA

NOBJ

Excavation of sand and gravel with restoration to agriculture.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
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**

Westhampnett Parish Council supports the initiative by Rolls Royce to address the current severe parking problems in Westhampnett, largely caused by their employees, and to assist the March School with their own parking issues. However, the Parish Council has concerns about a number of the detailed proposals, namely:-

1. The safety of children crossing Claypit Lane between the School and the car park. There is no defined pedestrian crossing in Claypit Lane.

2. The Council OBJECTS to the proposed operational hours for use of the Rolls Royce car park and The March School car park. It considers that the proposed hours of 5am to midnight, Monday to Friday and Saturday, are excessive.

Noise.

The site abuts a residential area and the resultant noise created by 500 vehicles starting engines;

accessing and egressing the site during the early and later hours would result in occupants of neighbouring houses only having a maximum of 5 hours undisturbed sleep, which would be unacceptable.

Safety.

There would need to be careful planning of shift times changes so as not to coincide with the school drop of and collection times; maximise traffic flow and not have car engines running but stationary.

Pollution.

Times of shift changes in the evening/early morning, when cars enter/exit the car park would require careful management to avoid cars queuing to leave/enter the car park and the resultant build-up of emission gasses. For these reasons, the Council suggests that the operational hours should be limited from 8am to 6pm, Monday to Friday.

3. Lighting.

The site borders a rural area and is on the edge of the Dark Sky, SDNP (north) and residential development (south). Lighting proposals for the car park should address these issues, be environmentally friendly and have consideration for the impact on the night sky and the residential area. Night time lighting would affect the houses adjacent to the car park. If the operational hours were curtailed, as suggested in item 2, the impact on both the night sky and the residential area, would be significantly reduced.

4. Use of the car park.

In order to prevent the car parks being sub-let for use by a 3rd party, eg. for sporting events, the Council requests that a planning condition is imposed, to restrict the use of the:

- a) The Rolls Royce car park to be for Rolls Royce staff only, on that part which will be used by RR.
- b) The March School car park to be for The March School staff; parents and associated people, on that part which will be used by The School.

5. Landscaping.

The landscaping, which looks impressive on plan, should be of a very high standard and easy on the eye of those properties which overlook the site. It should minimize the negative impact on local residents, be sympathetic to the rural setting and encourage wildlife, with English native plants and trees being selected

6.2 Highways England (*Comments received 21.12.2017*)

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27 at Chichester, particularly the Portfield Roundabout and the junction with the A285 Stane Street.

On 30th October 2017 Highways England offered pre-application advice on this proposal which is attached for ease of reference. In relation to the information requested the applicants consultants have not provided the details requested as follows:

- Whilst parking survey data was provided (parking beat survey was undertaken on 25/5/17) it was not complete. There are 100 spaces at Goodwood circuit - but no

survey data provided as to how many people park in this location as it was not covered by parking beat survey. Similarly no information was provided for the level of parking at the Bognor TLC site.

- No mode share information was provided.
- The staff home location postcode data and associated distribution and assignment as referred to in the Technical Note was not provided.
- The Travel Plan provided proposes to maintain the home postcode situation as set out in Table 6.1 page of Travel plan which relates to the permit system used. Unless this is secured in the s106 agreement it is not enforceable.
- The information provided to Chichester District Council, which is referred to but was not provided is still not provided. The Pre-app response is provided at the back of the planning and Design and Access statement.
- The Construction Phase Traffic Management Plan has been submitted and shows routing via A27. No restrictions on times of movements have been indicated and Highways England expect that deliveries etc. related to the construction phase will avoid network peak hour periods. No details have been provided relating to the operational times/days for site operations.

In addition to our original questions the following matters will require further consideration and response by the applicants consultants as follows:

- Parking demand assumptions are set out in Table 5.6. of the Parking Strategy, however there has been no assessment of vehicle movements into and out of the site, only parking beat survey information. Whilst an assessment based on the 500 additional parking spaces results in 500 new trips this has only been undertaken on the local road network. Accordingly there is no information on which to provide an informed response on the likely impacts to the A27 junctions
- Para. 5.19 of the Parking Assessment and Strategy;
 - a) states that 60 people in Shift A and 70 people in Shift B who will no longer travel by bus from Bognor and will therefore will need a parking spaces
 - b) states that 90 people who work daytime hours will need a parking space

If all of these employees become single occupant car users then the daytime hour employees could hit the network peaks on the A27 junctions. These trips are not currently routed through the A27 junctions as they will be new.

- Para 6.15 of the Parking Assessment and Strategy states that the Short Term measures are by definition not intended to continue. Therefore this will result in the withdrawing of the bus services from Bognor (TLC & Central) which are considered to be sustainable trips and as mentioned above are most probably likely to be converted to car based trips.
- The Travel Plan requires further consideration to be acceptable and the following points need consideration / inclusion:
 1. No information on current mode share;
 2. No information on staff postcode location - this information is known because it is held for parking permit applications, irrespective of home addresses held as part of employee information on their HR system;

3. No understanding how the additional of 500 car parking spaces will change travel habits;
4. No targets within the Travel Plan when they should be including SMART targets
5. The Aims and Objectives of the Travel Plan are unlikely to be achieved
6. No monitoring of the Travel Plan performance - there seems little justification as to why TRICS SAM for Travel Plan Monitoring should not be used;
7. No measures proposed to prevent employees living in local postcodes prevented from receiving a parking permit from parking on-street. This would be of interest where these postcodes (i.e. Tangmere) are on the south side of the A27
8. If the existing parking constraint is removed then the number of people car sharing is likely to fall significantly.
9. Will there be any restrictions on the primary school car park being used by Rolls Royce during school holidays / out of school hours?

Until such time as the above information has been provided to enable Highways England to obtain a clear view of the impacts of this proposed increase in parking provision at R RMC site on the SRN, our informal advice is that you should **not approve this application** because of the potential for harm to the Strategic Road Network.

[Planning Officer Comment: At the time of preparing this report a further consultation response was expected from Highways England following the submission of additional information from the applicant. The Planning Committee will be updated prior to the meeting on 14 March 2018.]

6.3 WSCC - Highways

Comments are made in connection with the additional parking for Rolls Royce Motor Cars (RRMC) and the associated impacts only. Further comments are not made in respects of the parking/dropping off/picking up area for the March School; from the covering letter from David Lock Associates dated 12th February 2018, it is understood that additional information is being prepared in response to the WSCC comments dated 27th December 2017 and that this will be submitted shortly.

In terms of the physical layout of the accesses and car parking arrangements, nothing is understood to have changed. Details of visibility splays at the site exit onto Claypit Lane have been provided by the applicant and these are acceptable. A condition is suggested to ensure that the accesses are constructed prior to the first use of the car park/school drop off area.

The main WSCC concerns were though in relation as to whether there was a demonstrable need for the additional car parking and more importantly whether the additional parking would undermine existing efforts to encourage sustainable travel to the site. This would include measures within the travel plan.

In light of the initial comments made by WSCC, the applicant has undertaken a further survey to determine potential parking demands. From this, a number of employee vehicles (estimated as 20) park on-street in the vicinity of the Goodwood Plant. This is understood to be an estimate with the figure being potentially higher.

The additional information also indicates that 70-80 vehicles were counted as parking within the Chicane car park, which forms part of the Goodwood Motor Circuit. Point 3.6 of

the TAA then contradicts this survey by referencing 80-100 vehicles parking off-site at the Motor Circuit or Race Course. This higher figure may well be correct although no surveys are included of overspill parking at the Race Course and the surveyed figure may represent a day when parking demands are less. It is accepted that an element of overspill parking demands (based on the information provided this could range between 90 to 120 vehicles occurring either on-street or at the Motor Circuit or Race Course) are being accommodated locally to the existing plant.

An estimate is also included of those potential parking demands presently taking place at the Bognor Logistics Centre. These employees then make use of the shuttle bus to the plant that is proposed to cease. This amounts to 50 persons/vehicles. It's acknowledged that the shuttle bus could be stopped at any time.

There is also another shuttle bus that collects from locations within central Bognor. This service is proposed to continue. The TAA appears to assume that these trips would however revert to using the private car with resultant increase in parking. This isn't accepted with it more likely that these trips would continue to make use of the bus.

Assuming therefore that all employees who are affected by the ceasing of the shuttle bus to the Logistics Centre transfer to driving, this could amount to a demand for a further 50 parking spaces. 5.7 of the TAA refers to 70-90 vehicles that could transfer from Bognor to Goodwood. Similar to the transferring of parking from areas surrounding the Goodwood Plant, this seems to over-state the demand based on the survey data.

Whilst the TAA concludes that current displaced demands could result in up to 210 parking spaces, based on the data included and quoted in the TAA, the actual surveyed demands (70-80 at Goodwood Motor Circuit, 20 on-street, 50 at the Logistics Centre) could be much less (140 to 150). Even if further trips occur from Bognor or additional parking occurs at the Motor Circuit/Race Course, the total figure would still be less than stated.

Although the proposal seeks permission for 492 car parking spaces, based on the data within the TAA it is apparent that displaced demands would not result in the car park being full. In highway capacity terms, it is also apparent that the additional car parking would not give rise to a significant increase in vehicle movements in the local area. With the exception of those trips generated from the Bognor Logistics Centre, the majority of vehicles that would use the car park are already travelling to the local area. The additional spaces will provide flexibility at shift changeover times as well as providing some future capacity.

There is still the matter as to whether the car park would undermine existing travel plan measures, notwithstanding the fact that the proposed car park seeks more to consolidate where parking takes place rather than this occurring as it does presently in locations remote to the plant. A revised TP has been presented as part of the latest submission of information. The measures within this do demonstrate the applicant's commitment to encouraging sustainable access to the site. There are certain matters, such as the monitoring, that will need to be discussed and agreed further. A travel plan should therefore be secured via condition. The measures within this should be agreed prior to the use of the car park being first used.

With respect to the car park extension only, there would be no highway objection. *[Officer comment: Suggested conditions are incorporated into the recommendation]*

6.4 South Downs National Park Authority

[Comments received on the pre-application enquiry - the application proposals are substantially the same]

The site benefits from screening planting along the northern side, which is likely to limit views from the higher ground to the north. Regard should be had to the Dark Skies status of the Park in terms of the proposed lighting of the car park. Travel Plan should ensure that a full range of traffic reduction measures is provided, including greater encouragement for the site to be accessed by means other than the private car.

6.5 CDC Drainage Engineer

The proposed means of surface water drainage is via the use of an infiltration blanket soak-away structure located beneath both the permeable block paved parking bays and the impermeable asphalt roadways that run between the parking bays. This approach is acceptable in principle and the local geology should support this methodology. However, the potential for infiltration should be investigated and backed up by winter groundwater monitoring and percolation testing. Any soakage structures should not be constructed lower than the peak groundwater level. Should the application be approved we recommend conditions to ensure the site is adequately drained: full details of the proposed surface water drainage scheme based on SuDS; Winter groundwater monitoring; full details of the maintenance and management of the SuDS system.

6.6 CDC Archaeology Officer

Removal of large areas of topsoil during construction would be likely to reveal deposits of archaeological interest whose significance should be recorded and reported on. This would be best achieved through a suitable programme of observation and recording (a watching brief). A condition is recommended in this regard.

6.7 CDC Environmental Health Officer

Applicant has confirmed revised hours of use - from 06:00 to 22:00 for the car park; the barrier fence would be 2.4 metres high.

The conditions I originally recommended suited the hours I proposed in the condition [08:00 to 18:00 Mon-Sat, not on Sundays or public holidays]. If extended hours [beyond these are sought], the applicant needs to come forward with better mitigation than proposed at present.

Therefore given the information submitted at this time operating outside those hours is likely to have at least a significant impact in planning policy terms, so as a minimum should be avoided. The category above significant is unacceptable and development should not be permitted.

Neither I or the applicant's noise consultant could think of any other locations in the district where the background levels would be comparatively low, comprise natural sounds and then would have a large scale but short lived vehicle movements at quiet times of the day. Other than limiting times of use of the car park, the location of permitted parking during those times and increasing the height of the barrier I cannot think of any other control measures.

[Planning Officer Comment: Further comments are awaited on the further revisions made by the applicant to the proposed hours of operation, zoning of the car park and the acoustic fencing. The Planning Committee will be updated prior to the meeting on 14 March 2018.]

6.8 CDC - Environment Officer

I am happy with the Reptile Survey Report and Mitigation and Compensation Report from the ecologist working on the Rolls Royce Car Park site. I have had a number of discussions with him regarding this site and the further information he has submitted in relation to reptiles and GCNs. The Ecological mitigation and Compensation (Jan 2018) report provides extensive details of the mitigation for reptiles and GCNs along with the other species onsite (barn owls, bats, nesting birds) and I would recommend that this document is conditioned as a whole to cover the environmental issues for the site.

6.9 CDC - Environmental Protection

Land contamination

The risks from land contamination are low to medium, particularly due to the nature of the planned development. The conclusions are agreed with and it is recommended that standard conditions are attached.

Air quality

The significance of the [air quality] impacts is either slight or negligible at all receptor locations. Mitigation measures are not proposed with respect to road traffic vehicle emissions. We agree with these conclusions and no further assessment of air quality is required.

Travel plan/sustainable transport measures

The TP document supports the planning application but covers the whole Rolls Royce facility at Goodwood. The school drop off and pick up area should alleviate existing issues on Claypit Lane. Employees are encouraged to travel to the site by sustainable transport eg motorcycle, cycle, walking, bus services and car sharing. Sheltered cycle parking facilities are available at the original car park site as well as showering, changing and locker facilities. Additional locker and shower facilities for cyclists are planned for 2018. It is recommended that additional secure, covered cycle parking is put in place to encourage site users to use this sustainable mode of transport where possible. Dedicated parking spaces in prime locations at the new car park are to be provided for employees who car share. Electric vehicle infrastructure will be installed at the new car park in future readiness and one EV charging point is proposed to be installed as a test point. It is recommended that additional charging points are installed in order to encourage take up of this type of transport.

Lighting

Consider the design criteria is appropriate for a development of this nature. No objection.

6.10 8 Third Party Objections

- Unacceptable hours of operation
- Unacceptable noise and disruption early in morning and late at night as shifts change
- Over development of site
- Out of character, loss of green space and urbanisation of countryside
- Harmful visual impact
- Destroys historic field pattern
- Significant traffic generation
- Exhaust fumes
- Rural lane will become an urban street
- Traffic danger to school children
- Use of staff bus from Bognor Regis RR will fall dramatically as staff will now be able to park at the Westhampnett site
- Rolls-Royce should build an underground car park
- Harmful to wildlife
- Light pollution
- Will cause surface water run-off onto Claypit Lane

6.11 4 Third Party Support

- Residents living in Stane Street have had 14 years of cars occupying the road outside their houses, grass verges turned into mud baths
- Off-site parking in Claypit lane, particularly at school transfer times results in a very dangerous situation twice daily five times a week. Rolls Royce should be applauded for their efforts to address this
- Rolls Royce Cars are now the largest employer in the CDC area. They deserve the support of local residents, not objections

6.12 Applicant/Agent's Supporting Information

The application is accompanied by a Planning, Design and Access Statement and supported by a comprehensive suite of reports which can be accessed and read in detail on the Council's website.

7.0 Planning Policy

The Development Plan

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

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 3: The Economy and Employment Provision
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 13: Chichester City Transport Strategy

Policy 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 42: Flood Risk
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure

- 7.3 Policy 3 supports sustainable growth of the local economy and has as one of its main criteria: *'Protecting and enhancing existing employment sites and premises to meet the needs of modern business'*. Policy 26 states that *'Existing employment sites will be retained to safeguard their contribution to the local economy'*.

National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF) which is founded on a presumption in favour of sustainable development. Among the overarching roles that the planning system must play to achieve sustainable development, twelve core land-use planning principles are set out in paragraph 17 of the NPPF. The third bullet point of paragraph 17 states that planning should;

'Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.'

- 7.5 The NPPF also emphasises the need to build a strong and competitive economy. The value and importance the government places on economic growth is clearly set out at Paragraph 19 which identifies that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable, economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth...therefore significant weight should be placed on the need to support economic growth through the planning system.'

- 7.6 NPPF paragraph 21 is also particularly relevant from an economic perspective. It identifies that planning policies should recognise and seek to address potential barriers to investment such as a lack of infrastructure and services. The third bullet point states that local authorities should;

'support existing business sectors, taking account of whether they are expanding or contracting....Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances'.

- 7.7 NPPF Section 4 identifies the importance of promoting sustainable travel as a key component of facilitating sustainable development. Notwithstanding this, paragraph 29 recognises that *'...that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas'*. A key tool to promoting sustainable travel is the Travel Plan (paragraph 36).

7.8 Section 7 sets out the requirements for developments to ensure good design, and this is highlighted as a key aspect of sustainable development being '*...indivisible from good planning...*'(Paragraph 56). Paragraph 58 emphasises that planning decisions should aim to ensure that developments are '*visually attractive*' with '*appropriate landscaping.*'

7.09 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:

- 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
- 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/areas for assessment arising from this proposal are identified as being:

- The principle of major development in the countryside
- The impact of the car park on residential amenity
- Traffic and highway issues
- The provision of a school car park
- The impact of the development on visual/rural amenity

Assessment

Background Context

8.2 The R-RMC manufacturing plant at Goodwood (Westhampnett) was opened on 1st January 2003 and forms the headquarters for R-RMC's operation worldwide. As a prestigious global luxury car manufacturer it has quickly established itself as a major employer within Chichester District and has made Goodwood an important contributor not only to the local economy but also to "UK PLC".

8.3 The operation at Goodwood has grown significantly since 2003. At that time less than 1000 cars were produced per annum. That figure has subsequently grown to approximately 4000 cars. The number of employees on the site originally numbered around 350 and currently stands at 2,185 working at the site across three shifts. With the expansion of production facilities at the existing site and a consequential expansion in the workforce, the applicant's advise that there is mounting pressure to provide increased parking provision, notwithstanding the on-going development of the company's travel plan which encourages staff to visit the site via a number of sustainable alternatives to the private car.

The manufacturing plant currently includes a total of 831 car parking spaces which for an operation of this size is significantly below WSCC's Parking Standards. The addition of 492 extra spaces would bring it up to 'standard'. It is also noted that an average of 75 BMW staff members visit the site from other BMW Group locations per day, and that during 2016 there were approximately 3,000 visitors to the site. The site is therefore busy with expanding production and sales growth. The consequential expansion in the workforce has led to mounting pressure to provide increased parking provision to service the current needs of the company.

- 8.4 A Parking Assessment and subsequent surveys were undertaken at the R-RMC site in May and July 2017, respectively. This identified a chronic lack of parking on the site to serve the existing numbers of employees, with many cars as a consequence fly parked across the site in non-designated areas. Parking has also spilled out onto Stane Street and Claypit Lane and takes place at the Goodwood Motor Racing Circuit, horse racing circuit and nearby fields through agreement with Goodwood Estates at times of exceptional demand. This has given rise to a number of complaints from residents in the locality and from the Parish Council which recognises the existing parking problem as 'severe'.
- 8.5 The applicant advises that R-RMC has considered alternatives such as a decked car park on Stane Street over the existing car park and increased surface parking on other areas of the development footprint. For operational reasons, noise, impact on views and lighting these various options have not been formally progressed. In Autumn 2017 the applicant carried out a pre planning application enquiry with the Council prior to submitting this application where the principle of a new car park in the proposed location was considered to be capable of support by officers subject to satisfaction of technical matters relating to the environmental impact - residential and visual amenity and highways issues.

The principle of major development in the countryside

- 8.6 The application site as well as the adjacent manufacturing plant lies within the countryside or 'Rest of Plan' area as defined by the Local Plan wherein restrictive policies operate in respect of new development. Only a limited amount of development meeting a narrow range of strict criteria is allowed in the Rest of Plan area. The development of a 492 space car park for R-RMC and a separate 40 space car park for The March School would fall outside of this. Prima facie, therefore, the proposals are contrary to adopted planning policy. However, there are other significant material considerations that need to be weighed in the balance.
- 8.7 It is recognised that Rolls-Royce is a major employer of international importance in Chichester District and the site of the proposed car park directly adjoins its now well - established site. R-RMC have made an investment of some £155 million in the Goodwood facility, including £40 million in structural plant changes for the Ghost model (2009) and £10 million in extending the assembly hall in 2013. It is of major significance to the local economy not only in terms of the 2,185 people directly employed on the site but also to the local, smaller businesses it helps to support. Furthermore the site attracts a high number of annual visitors both domestic and international, for tours of the factory. Such visits can result in additional associated spend in local accommodation as well as benefiting existing shops and businesses in Chichester.

8.8 Whilst there is no specific planning policy that would support a large surfaced car park in the countryside there is more general support in terms of development that relates to existing employment and the economy. Local Plan policy 3 - The Economy and Employment Provision - looks specifically at supporting the sustainable growth of the local economy of which Rolls-Royce has become a key player. Also the Local Plan section on The Economy has as its underlying objective developing a strong, responsive and competitive economy including the provision of adequate infrastructure. It is considered that the major status of Rolls-Royce as a local employer and the overall economic benefits to Chichester and the wider District that this presence brings, can be attributed significant weight in the final planning balance exercise, notwithstanding the conflict with policy 45.

The impact of the car park on residential amenity

8.9 The development of a car park for a total of 532 cars on a currently open green field site adjacent to an existing residential development has the potential to impact significantly on the established residential amenities of the occupiers in terms of matters relating to noise nuisance, light pollution, air quality and general activity. The third party objections received distil those concerns. Significant work has been carried out by the applicant's consultants to address such environmental concerns in conjunction with feedback from the Council's Environmental Health Officers. The main potential impacts are considered below.

8.10 Air Quality

In terms of the potential for a reduction in air quality from the development through exhaust fumes caused by staff cars at the car park whilst manoeuvring and queueing to get into and leave the site, the applicant has carried out a detailed air quality assessment both looking at the site impact in isolation and in its wider surroundings. This assessment concludes that as the car park seeks to satisfy an existing parking demand at R-RMC and there is therefore no anticipated overall increase in trip generation on the network, the air quality impact is not considered to represent a constraint for the proposed development. The predicted air quality impacts associated with the operation of the car park when considered in isolation were also considered not to be significant. The comments of the Council's Environmental Health Officer at paragraph 6.8 conclude that, *'The significance of the [air quality] impacts is either slight or negligible at all receptor locations. Mitigation measures are not proposed with respect to road traffic vehicle emissions. We agree with these conclusions and no further assessment of air quality is required.'*

8.11 Noise

The existing site is a greenfield site to the west of the R-RMC production facility and is in a rural location where the existing ambient noise levels are low. The introduction of a large surface car park on this site adjacent to the Bellway Homes development in the former gravel pit clearly has the capacity to cause disturbance to residential amenity from a range of sources - car engines idling, cars accessing the site, starting and manoeuvring in and out of spaces and car doors slamming. The nature, impact and perception of this noise has a direct correlation with the proposed hours over which the car park is proposed to operate.

8.12 As originally submitted, the application proposed that the hours of use of the car park by R-RMC were to be 05:00 to 00:00 (midnight), Monday to Saturday with no car park operation on Sunday and Bank Holidays. The Council's Environmental Health Officer has recommended that the hours be restricted to 08:00 to 18:00 Monday to Saturday with no parking on Sundays and Bank/Public Holidays in order to protect local residential amenity,

particularly for those properties at Lillywhite Road. The applicant has now confirmed that R-RMC is able to accept a further restriction on the Saturday car park hours and has volunteered a restriction from 09:00 to 17:00. However, for operational reasons it is unable to meet the Environmental Health Officer's recommendation for Monday to Saturday of 08:00 to 18:00. This is because although the new car park is proposed to be used by day staff, a proportion of staff are still required to support the earlier shift workers. This necessitates some workers needing to arrive/depart outside of standard office hours. The 08:00 to 18:00 restriction would not be practical in this respect and R-RMC advise that it would have a severe impact on the ability to provide support to shift workers. R-RMC have now advised the Council that it is prepared to restrict the car park hours to 06:30 to 22:00 Monday- Friday and 09:00 to 17:00 on Saturdays.

8.13 In addition to the revision to the car park hours from the originally proposed 05:00 to midnight (Mon - Sat) to 06:30 to 22:00 (Mon - Fri) and 09:00 to 17:00 (Sat), the applicant is proposing additional mitigation to reduce the environmental impact on residential amenity. The primary concern in this regard is the potential for sleep disturbance/early awakenings. The mitigation comprises the erection of a 3 metre high acoustic fence along the southern boundary of the site with the adjacent residential development (increased from 2m high in the original submission). A further measure will be to 'zone' the west side of the car park so that during the period 06:30-07:00 staff will be restricted to parking in those spaces (144 are identified) furthest from the adjacent residential development. The applicant's assessment is that with the combined acoustic barrier and zoned parking for the first half an hour of the car park operation there would be some adverse noise impact but that impact (estimated at 4dB above existing external background levels) will be below industry guideline values (BSI and WHO). Additionally, it is noted that the way in which the car park is expected to be utilised means that for the periods outside of the staff arrival/depart times, little to no noise would be generated within the area. In other words there is not a continuous noise profile on the site throughout the day.

8.14 The Committee are advised that at the time of writing this report, the final comments from the Council's Environmental Health Officer were still awaited and these will need to be reported to Members. However, it is notable the applicant has moved its position significantly since the application was submitted in terms of amending the car park hours and building in the extra mitigation. On the assumption that the concessions made by R-RMC to the parking hours are accepted by the Council's Environmental Health Officer, officers are of the opinion that subject to the conditions proposed, the application is acceptable on the grounds of residential amenity subject to the conditions attached to this recommendation and balancing these considerations against the economic case for supporting a major employer in the District.

8.15 Lighting

In addition to noise and air quality, artificial lighting also has the potential to cause harm to residential amenity. The applicant's proposals for the car park have considered this issue in detail. The development will require artificial lighting to facilitate safe and secure operation and is to be designed in compliance with the following standard; BS 5489-1: 2013 (Lighting of Roads and Public Amenity Areas). The applicant has identified that the potential effects from exterior lighting of the car park without mitigation include; light spill into windows, upward light causing sky glow, glare from high intensity car headlights, intrusive light affecting ecology. Whilst during the darker hours of car park operation there will be a character change to the site in terms of its artificial illumination, the proposals have been designed to minimise these impacts and the Committee will note that the

Council's EHO officer has confirmed that the design criteria is appropriate. The existing context is also a relevant consideration whereby the roundabout at the junction of Claypit Lane and Madgwick Lane is already illuminated by lighting columns >3 m high which then extend part way down Claypit Lane. The elevations of the main building on the R-RMC campus are also washed with light. Mindful of the rural location, the proximity of residential dwellings and wider afield the Dark Skies status of the SDNP, it is proposed to include a condition on the recommendation requiring the lighting on the site to be switched off during the hours when the car park is not in operation.

Traffic and highway issues

- 8.16 The proposal is essentially submitted to address the existing car parking issues which R-RMC faces following its successful expansion and on-going development, rather than to provide additional spare capacity for the future although some spare capacity will result. The Committee will note the detailed consultation response from WSCC in terms of the anticipated impact of the development on the local non-strategic road network. This is that the majority of vehicles that would use the car park are already travelling to the local area and therefore the impact on the local network would not be significant. WSCC accepts the applicant's figures that approximately 90 -120 cars are currently over-spilling from the R-RMC site but that even if the applicant's estimation that the current displaced demands could result in up to 210 parking spaces it is accepted this will still result in the proposed car park not being used to capacity. WSCC consider that the additional spaces will provide flexibility at shift changeover times as well as providing some future capacity. WSCC reiterate the importance of the company Travel Plan going forward and cite this amongst a list of recommended planning conditions.
- 8.17 The response received from Highways England makes it clear that it still has some concerns in respect of the likely cumulative/resultant impact of the car park development on the A27 SRN in terms of the number of extra trips that might be generated. This is more particularly associated with the potential for an increase in single occupant car journeys once the car park is provided, by staff who would otherwise travel to the Goodwood/Westhampnett site from the R-RMC site at Bognor by the company bus. The applicant's transport consultant has responded to the issues highlighted in Highway England's response in paragraph 6.2 and a further response from Highways England (HE) on this response is still awaited. At the time of writing HE has advised the Council to not approve the application until it is essentially satisfied that there would not be a harmful impact on the A27. The Committee will be updated in this regard.

The provision of a school car park

- 8.18 In addition to delivering a car park for R-RMC the application also proposes a separate 40 space car park for the exclusive use of The March Church of England Primary School. This car park with its own dedicated access and egress off Claypit Lane (both gated) will be managed by the School and will provide a drop-off and pick-up facility for parents. It is considered that such a facility delivered as part of the wider car park development for R-RMC will be a significant benefit to parents and pupils' safety, overcoming existing difficulties on Claypit Lane during peak school drop off and pick up times. It is supported by officers at both WSCC and CDC.

The impact of the development on visual/rural amenity

- 8.19 In terms of landscape matters, the proposals have been deliberately landscape-led in design terms to try to integrate the development into its setting. The submitted plans propose a deep landscape buffer fronting Claypit Lane which in conjunction with existing planting around the site boundaries and planting within the site itself on raised earth bunds should provide a significant screen to mitigate the visual impact of the car parking. Further planting is also shown within the site.
- 8.20 As part of the pre-application enquiry undertaken by R-RMC, consultation was carried out with the South Downs National Park Link Officer to ascertain what visual impact the car park would be likely to have on the wider landscape. No specific objections were raised from the perspective of the South Downs National Park Authority. From key distance viewpoints to the north, north-east and north-west at the Trundle, Halnaker Windmill and Stoke Clump, it is considered the proposed car park will sit well in the landscape with the proposed introduction of structural planting assisting its assimilation. Notwithstanding that the proposals will impart a distinctive change to the character and appearance of what at present is an open green field, officers are satisfied that the change is acceptable when balanced against the other benefits that the proposals will deliver.

Other Matters

- 8.21 In terms of ecological, surface water drainage, land contamination and archaeological issues raised by the development, the applicant's comprehensive submission has been assessed by the relevant consultees and officers are satisfied that in light of the responses received, these matters can satisfactorily be addressed through the addition of appropriate planning conditions.

Significant Conditions

- 8.22 Restrictions controlling the hours of use of the R-RMC car park, a Construction Management Plan, the form and appearance of the acoustic fence, a Travel Plan and the hours of lighting are all included in the schedule of conditions attached to this report.

Conclusion

- 8.23 The additional car parking requirements of Rolls-Royce are symptomatic of its continuing success as a major employer in Chichester District. Whilst the proposals for the car park are on a site in the countryside and therefore prima facie in conflict with restrictive Local Plan countryside policy 45, they are adjacent to an established manufacturing plant also in the countryside. It is considered that there are strong economic development factors which militate towards approving the development. The proposals find support in the Local Plan through policies 3 and 26 and in the NPPF where the government places emphasis on 'building a strong, competitive economy'. The site in spatial terms forms a natural extension to the west of the existing production plant at Rolls-Royce. It is also a parcel of land which is physically self-contained by existing residential development to the south, by Claypit Lane to the west and by the existing landscaped bunds lining The Drive to the north. From vantage points further afield in the National Park the site of the car park will appear absorbed by the landscape with any impact softened by the new planting proposed.

Construction of this development also facilitates delivery of a dedicated car park for The March Church of England Primary School addressing existing issues of traffic congestion and highway safety on Claypit Lane resulting in betterment for staff, parents and pupils.

8.24 Officers have weighed all the competing policy, landscape, residential amenity and economic issues carefully in reaching the recommendation to permit this development which is subject to necessary conditions to mitigate the impacts. The recommendation to permit this development is conditional on a successful resolution of the outstanding consultation responses awaited from Highways England and the Council's Environmental Health Officer. The Committee will be advised of these responses via the Agenda Update sheet.

Human Rights

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

RECOMMENDATION

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: BMW008/004 Rev C; HED.1303.100; HED.1303.101; GOO-ARC-SW-XX-DR-CE-0001 Rev P04; GOO-ARC-SW-XX-DR-CE-0002 Rev P03; HED/1303/102; HED/1303/105; HED/1303/107; GOO-ARC-SW-XX-DR-CE-0004 Rev P04; LLSA0343; LLSA0343; 0817-ARC-10715; GOO-ARC-SW-XX-DR-CE-0006 Rev P01; GOO-ARC-XX-00-DR-CE-0005 Rev P01.

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

3) Notwithstanding any details submitted to the contrary final details of the form, appearance, colour and precise location of the proposed 3 metre high acoustic fence to be erected along the southern boundary of the site shall be submitted to and be approved in writing by the Local Planning Authority before the development commences. Once approved the acoustic fence shall be erected in the agreed position before the car park is first brought into use.

Reason: To ensure that the fencing is provided in a position and to a specification which protects residential amenity.

4) Before work commences on the Rolls Royce Motor Cars car park hereby permitted a plan shall be submitted to and be approved in writing by the Local Planning Authority showing the zoned allocation of 144 car parking spaces on the west side of the site. The plan shall be accompanied by details of how the management of these spaces is to be carried out. Between 06:30 and 07:00 no car parking shall take place at the Rolls Royce Motor Cars car park other than within the 144 identified spaces. The use of the car park shall be carried out in accordance with the approved details.

Reason: To accord with the submitted noise mitigation strategy in the interests of protecting residential amenity.

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

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

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

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

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

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

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

8) The car parks hereby permitted shall not be brought into use unless and until the detailed landscaping proposals as shown on drawing no. HED.1303.105.P Rev 00 have been carried out. 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 amenity

9) No part of the car parks hereby permitted shall be first used until such time as the vehicle accesses as shown on drawing number GOO-ARC-SW-XX-DR-CE-0001 REV P04 have been constructed. The accesses once constructed shall thereafter be retained and operated as per the approved drawings.

Reason: In the interests of highway safety.

10) No part of the car parks shall be first used until such time as the visibility splays as shown on drawing number GOO-ARC-SW-XX-DR-CE-0006 Rev P01 have been provided. The visibility splays once provided shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety

11) No part of the Rolls Royce Motor Cars car park shall be first used until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Once approved all measures within the travel plan shall thereafter be implemented unless otherwise agreed with the Local Planning Authority.

Reason: To encourage optimising the use of alternative more sustainable modes of transport to the site other than by private car.

12) The car park hereby permitted for The March Church of England Primary School shall not be used other than by staff, parents and visitors to the School. Before the car park is first brought into use details shall be submitted to and be approved in writing by the Local Planning Authority detailing how the car park is to be managed. The car park shall thereafter be managed in accordance with the approved details.

Reason: To ensure that the use of the car park accords with the application in the interests of highway safety and proper planning.

13) The development hereby permitted shall be carried out fully in accordance with the details and mitigation set out in the submitted Arcadis Ecological Mitigation and Compensation v2.0 (Jan 2018) report.

Reason: To ensure that appropriate mitigation of species habitat is carried out.

14) The car park hereby permitted for Rolls Royce Motor Cars shall not be used for any purpose other than for the parking of cars by staff, affiliates and visitors to the Roll Royce Motor Cars Ltd Goodwood manufacturing plant.

Reason: To accord with the terms of the application and in the interests of proper planning.

15) The Rolls-Royce Motor Cars car park hereby permitted shall not be used other than between the following hours:

06:30 to 22:00 Monday to Friday
09:00 to 17:00 on Saturdays

No parking shall take place at the site on Sundays or on Bank or Public Holidays.

Reason: To accord with the terms of the application and in the interests of protecting residential amenity.

16) The Rolls Royce Motor Cars car park hereby permitted shall not be illuminated by fixed car park lighting between the following hours:

22:30 and 06:00 Monday to Friday
17:30 and 08:30 on Saturdays

and at no time on Sundays and Bank and Public Holidays unless any variation to these hours is specifically agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

17) The lighting of the site shall be carried out in complete accordance with the submitted details unless any variation is specifically agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and in the interests of amenity.

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).

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

For further information on this application please contact Jeremy Bushell

Agenda Item 10

Parish: West Wittering	Ward: West Wittering
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WW/17/03316/OUT

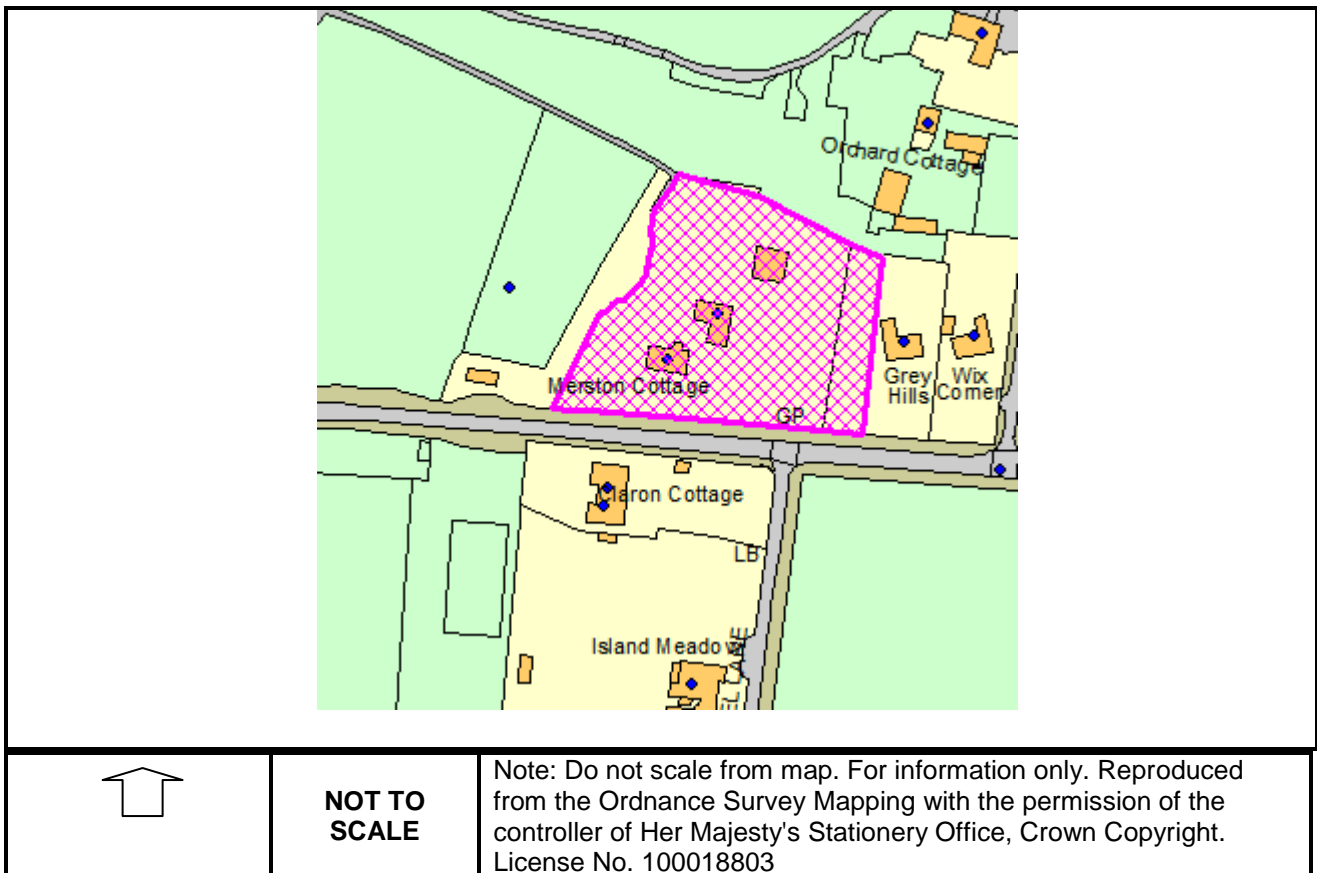
Proposal Construction of traditional style barn for storage of own chattels - Removal of Condition 5 of planning permission WW/93/01197/OUT - to allow guests, friends and family members to be able to stay in the barn overnight.

Site Merston Cottage Chichester Road West Wittering PO20 8QF

Map Ref (E) 479629 (N) 99287

Applicant Mr Jordan Swinscoe

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the north of Chichester Road (B2179), approximately 900m to the south-west of Shipton Green and 1.45km to the north-east of West Wittering. The site is located outside of any settlement boundary and within the rural area. It is bounded by the highway to the south, Wicks Farm Caravan Park to the north, a residential dwelling known as Grey Hills to the east and agricultural/paddock land to the west. The immediate surrounding area contains a number of large dwellings set within spacious curtilages, most of which are set back from the highway and screened by tall hedge/tree lines. The road therefore retains a spacious and informal rural character.
- 2.2 The building to which this application relates is located towards the northern end of the site, within part of the site that is separated from the main garden by stock fencing. The area shares the main access to the site with the host dwelling and its curtilage, but has a separate access within the site which appears to have been used for vehicular access to the barn.
- 2.3 The barn itself is a 2 storey structure with a pitched roof with slate roof tiles and black stained timber boarding above white rendered elevations. The building has full height openings within its north and south elevations and ground floor window openings within the side elevations to the east and west. The building measures 10.1m x 10.m, providing a footprint of 101sqm, although a mezzanine floor has been added that provides an additional 48.35sqm of floor space.

3.0 The Proposal

- 3.1 The application seeks to remove condition 5 of planning permission WW/93/01197/OUT, which states "the building hereby permitted shall not at any time be used as sleeping accommodation". The reason for this condition was "to comply with the terms of the application and to protect the amenities and character of the area". The building was originally approved for general domestic i.e. storage of chattels. No physical works are proposed to the outside of the building although the applicant has indicated that a ground floor bathroom would be installed.

4.0 History

93/01197/OUT	PER	Construction of traditional style barn for storage of own chattels
94/00062/REM	PER	Construction of traditional style barn (no animals).
94/00897/REM	REF	Construction of traditional style barn (no animals).
WW/00184/88	PER	New access and improvement of existing access

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Parish Council

The Parish Council objects to the removal of Condition 5 to protect the amenity of surrounding dwellings. The site is outside the settlement area and in proximity of the AONB and the Condition was imposed to maintain the rural nature of the area.

6.2 Chichester Harbour Conservancy (summarised)

No objection subject to the LPA considering the barn falls within the curtilage of the dwelling and that conditions 3 and 6 of 93/01197/OUT continue to be observed

6.3 Third party comments

3 letters of objection have been received raising concerns in relation to the following;

- a) The change of use would impact upon the amenity of neighbouring occupiers; particularly in respect on noise impacts and activity.
- b) The proposal could lead to a subsequent application for a dwelling.
- c) The proposed change of use would not comply with the Village Design Statement and the Local Plan

7.0 **Planning Policy**

The Development Plan

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

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

Chichester Local Plan: Key Policies 2014-2029

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 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 45: Development in the Countryside

National Policy and Guidance

7.3 Government planning policy 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.”*

Other Local Policy and Guidance

7.4 The following Supplementary Planning Documents and Planning Guidance are material to the determination of this planning application:

- Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document
- Chichester Harbour Area of Outstanding Natural Beauty Management Plan 2014-2019
- West Wittering Village Design Statement

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact upon character of the surrounding area
- iii) Impact upon the amenity of neighbouring properties
- iv) Ecological considerations
- v) Highway safety

Assessment

i) Principle of development

8.2 The application site is located outside of any defined settlement boundary and is within the open countryside where development is restricted in accordance with Policy 1 and 2 of the Chichester Local Plan (CLP), unless otherwise permitted within policies contained in the plan which seek to ensure that new development is directed to the most sustainable locations. The proposed use of the building to provide additional accommodation for friends and family members ancillary to the use of the main house would not result in a new dwelling in the countryside, and as such there would be no conflict with policies 1, 2 or 45 of the CLP.

- 8.3 The applicant has confirmed that it is not the intention of the application to gain permission for a new dwelling; this can be controlled through the imposition of a condition requiring the building to be used for ancillary accommodation only, and not to be used independently of the main dwellinghouse. Based on an Officer visit of the site and an assessment of historical aerial photographs and supporting information submitted with the application, your Officer's are satisfied that the barn lies within the lawful curtilage of the dwellings and that the building has only ever previously been used in connection with the main dwelling. It is therefore considered that there is a physical and functional link to the main house.
- 8.4 The site also lies within the Chichester Harbour AONB and as such, in accordance with Policy 43 of the CLP, the proposal must not have a detrimental impact upon the character and appearance or distinctive features of the AONB, and must comply with the policy aims of the Chichester Harbour AONB Management Plan and Supplementary Planning Document. These documents establish that when determining applications, considerations should be given to both the proposal and its setting in the AONB landscape and how the scheme will contribute to the overall character of the area.
- 8.5 Bearing in mind the above policy considerations, it is considered that the principle of removing a condition to allow sleeping in the building is in itself acceptable subject to the use being tied to the main house and provided the proposals comply with local policy for the protection of the countryside and AONB, discussed in further detail below.

ii) Impact upon character of surrounding area

- 8.6 Policies LS1 and BD1 of the Chichester Harbour Management Plan require that proposals conserve and are appropriate for the special qualities and setting of the AONB, and the Chichester Harbour Joint Supplementary Planning Document has an overarching principle of protecting, conserving and enhancing the natural beauty and wildlife of the area. Both of these policies are re-enforced by Policy 43 of the CLP which establishes that the impact of individual proposals and their cumulative effect of the AONB and its setting will be carefully assessed, and that permission will be granted where it can be demonstrated that the proposal would meet the criteria of Policy 43.
- 8.7 The application site can be seen from Chichester Road, however the building would retain the existing height, dimensions and number of openings and no changes are proposed to external materials. Furthermore, the proposed use of the barn would be for purposes ancillary to the main dwelling and it is considered that the change of use from domestic storage and workshop to ancillary accommodation would not result in a level of noise and activity that would have a significant impact upon the rural character of the locality. The proposal would therefore not have a detrimental impact on character and appearance of the site or the surrounding AONB. The proposal would therefore comply with the above policies as well as Section 7 of the NPPF and Policy 33 of the Local Plan which requires that residential development proposals must respect and where possible enhance the character of the surrounding area.

iii) Impact upon amenity of neighbouring properties

8.8 The proposal does not seek any physical additions to the building and as such there are no concerns that it would result in loss of light, the creation of overlooking and the building would not impact upon the outlook of the neighbouring property. The removal of the condition would enable sleeping, which may attract more regular use and activity, but the building is located relatively close to the main house and some distance from the boundaries with neighbouring dwellings, the closest of which is Grey Hills - 22m away. 3 representations have been received raising concerns that the use of the building for ancillary accommodation will result in harm to the amenity of the occupiers of nearby buildings, particularly due to noise, however taking into account that the building is surrounded by a residential use that forms part of the garden to the main dwelling, it is likely that any increased activity would be commensurate with the typical residential use of that garden and any noise would not be discernible from the normal residential use of land, that already takes place.

8.9 It is recognised that Condition 5 of permission 93/01197/OUT prevents sleeping in order to protect the amenity and character of the area; however, the National Planning Policy Framework (NPPF) and the Chichester Local Plan (CLP) have been adopted since the granting of the original permission, which both establish (within Paragraph 14 of the NPPF and Policy 1 of the CLP) that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development. The removal of condition 5 would enable the applicant to increase accommodation space for their family without the need to erect a new extension/building. The current storage barn is no longer required for such purposes and as such bringing it into use as now proposed would be preferential to seeing it fall into a state of disrepair. Further to this, the conversion of barns historically related with dwellings, to ancillary accommodation is not an uncommon occurrence, and such forms of accommodation can often be found within the rural stock of dwellings. Conditions are often applied to such proposals which prevent barns from being converted to self-contained dwellings, which can result in increased associated nuisance such as additional vehicular movements. Such a condition is recommended should the application be approved.

8.10 For the above reasons, it is not considered that enabling the building to be slept in for ancillary purposes would be to the detriment of neighbouring amenity, and the proposal is therefore considered to accord with the requirements of Policy 33, which requires new development to protect the amenity of neighbouring properties.

iv) Ecological considerations

8.11 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) where new development is likely to have significant environmental impacts on this internationally important designation. However, as the application would not create a new self-contained residential unit no contributions would be sought towards the mitigation of disturbance impacts of new development. It is therefore considered that the proposal complies with the provisions of Policies 50 of the CLP, and the proposal would not have an adverse impact upon the SPA's.

v) Highway safety

8.12 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised storage use of the building. The removal of the condition to allow sleeping may increase instances of friends and family visiting the site, but there is sufficient space to accommodate several vehicles and allow for turning so that there is no need to reverse onto the highway. As such, it is considered that the proposal would not have a significant impact upon the highway network and therefore would meet the requirements of Policy 39 of the CLP in respect of highway safety.

Conclusion

8.13 Based on the above assessment, it is considered that removal of Condition 5 from permission 93/01197/OUT to allow the applicant's family and friends to sleep within the former storage barn would not create a situation that would result in harm to the character of the property or the surrounding landscape, or the amenity of the occupiers of neighbouring dwellings. It is considered, that fears of the building being used a self-contained unit of accommodation can be addressed by the imposition of a condition which would ensure that it could not be let or sold separately from the main house, and as such the residential use of the site would be maintained along with the condition of the existing building. As such, there are no amenity concerns, and no highway or ecological concerns. Therefore the proposal is deemed to comply with development plan policies 1, 2, 33, 39,40,43,45 and 50 in addition to the NPPF.

Approval is therefore recommended.

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) There shall be no departure from the submitted plans without the prior written consent of the District Planning Authority.

Reason: To secure satisfactory development.

- 2) 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 accommodation hereby permitted shall be restricted to purposes ancillary to the existing dwelling at the site from which it shall not be let, sold separately, or severed thereafter.

Reason: The site is in an area where a new dwelling would not normally be permitted except the demonstrable needs of the case.

INFORMATIVES

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

For further information on this application please contact Luke Simpson

Agenda Item 11

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 for Camelsdale and therefore the principal of residential development in this location is considered acceptable. The applicant has chosen to adopt a contemporary approach to the design of the dwelling, which, following negotiation with your officers is now considered 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.

A Habitat Suitability Index (HSI) for the site identified the site and immediate surroundings (including the adjoining pond) as being below average. It is concluded that it is not considered proportionate or necessary to undertake further survey work although the recommended mitigation strategy has been commissioned to ensure no breaches of wildlife legislation occur.

The Highway 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 and it has been designed and sited to avoid any adverse impact on neighbouring properties. Therefore it is considered that the proposal would not conflict with the aims and objective of both National and local planning policies and the purposes of designation of the National Park and is therefore recommended that planning permission is granted, subject to conditions.

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 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.

4.6 CDC Ecology

I have reviewed the mitigation strategy submitted, I am satisfied that it is suitable for the works based on the likelihood for the species being present and the Great Crested Newt Mitigation Plan (Jan 2018) can be conditioned.

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.

Presence of Great Crested Newts on adjoining land not accounted for.

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
 - SD9 - Biodiversity and Geodiversity
 - SD21- Public Realm, Highway Design and Public Art
 - 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 up

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.

Protected species

- 8.13 Anecdotal evidence of the presence of Great Crested Newts (GCN) in the garden of the neighbouring property required the applicant to commission a Habitat Suitability Score (HSI), which also included a field survey of the site and neighbouring land. The survey results noted that the habitat suitability was below average and recommended that, in view of the low risk of the development impacting GCN, it is not considered to be proportionate or necessary to continue with any further survey work. The report further recommended that a mitigation plan detailing the correct working practices would be an appropriate safeguard to prevent potential breaches of wildlife legislation.
- 8.14 It is considered that, on the basis of the evidence available, this precautionary approach is both proportionate and reasonable in safeguarding protected species that may be present. The mitigation scheme is acceptable to the Council's ecologist and therefore the most appropriate control would be to condition its implementation.

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

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- 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.

16. Protected species mitigation

All aspects of the mitigation strategy prepared by Arbtech and dated 02.01.2018 shall be adhered to at all times prior, during and post construction of the development hereby permitted.

Reason: To safeguard the potential presence of protected species (Great Crested Newts).

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

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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, CDC Environmental Strategy Unit (Ecology)

Background Documents Saved policies of the CDLPFR 1999, South Downs Partnership Management Plan, South Downs Local Plan Pre-submission (Sept 2017), 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.

Agenda Item 12

Report to **Planning Committee**
Date **14 March 2018**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/05519/FUL and SDNP/17/05520/LIS**
Applicant **C/O Agent Mr Peter Bradley**
Application **Single storey rear extension.**
Address **Foresters Arms
The Street
Graffham
Petworth
West Sussex
GU28 0QA**

Recommendation: That the applications be Refused for the reasons set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral: Red Card: Cllr Elliott – Exceptional level of public interest

The application seeks the erection of a single storey extension to the rear elevation of the Grade II Listed Public House. The pub has a timber framed 16/17th century core with a Georgian rear elevation with chequerboard detailing and Georgian casement windows.

The lean-to extension of the building as proposed is considered to lead to the loss of historic fabric of the building and will have an adverse impact on the important rear elevation of the building leading to harm to the significance of the listed building. This harm is considered to be less than substantial harm and therefore in accordance with paragraph 134 of the NPPF should be weighed against the public benefits of the proposal including securing the optimum viable use of the heritage asset.

Officers have sought to work with the applicant's agent to achieve a solution that balances the conservation needs of the building against the applicant's requirement for replacement kitchen accommodation; however, the applicant is adamant that this is the only location for the kitchen that meets their needs.

It is considered by officers that there are alternative, less harmful locations, where the kitchen accommodation could be provided whilst meeting the applicant's needs for replacement kitchen floor space. Furthermore, if the proposed extension was not to be permitted it would not prevent the Foresters Arms from being reopened and therefore brought back into its 'optimum viable use'

Whilst the re-opening of the Foresters Arms is a clear public benefit, it is not a public benefit that is dependent on these proposals being permitted. On balance it is considered that for the reasons given above there are no public benefits sufficient to outweigh the harm caused by the proposed extension.

1.0 Site Description

- 1.1 The application site consists of a Grade II Listed public house within the settlement of Graffham. The building has a timber framed 16/17th century core with a rear Georgian extension with chequerboard brick detailing. The windows to the rear are believed to be original and are highlighted within the listing.
- 1.2 To the south of the central part of the building, the floor plan stretches into a later (19th Century) two-storey addition which is known to have once been the village shop. The pub floor plan extends into this two-storey section of the building at ground floor level and also at first floor level accommodates part of the manager's accommodation.
- 1.3 Significant unauthorised works to the listed building have recently been undertaken including the blocking up of the openings into the former shop part of the building at both ground and first floor levels, internal and external alterations and the replacement of original windows. These unauthorised works are not the subject of these applications.
- 1.4 The pub garden and car park are located to the rear (facing the Georgian extension). To the north is a timber extension lawfully used as holiday let accommodation.
- 1.5 The listing of the public house reads as follows, the listing specifically includes the two storey shop:
- 1.6 The Foresters Public House II Public House. C17 or earlier timber-framed building, refaced with stucco in the C18. Hipped tiled roof. Casement windows. One window-bay added at the south end in the C19. Two storeys. Three windows.

2.0 Proposal

- 2.1 The applications seek planning permission and listed building consent for the erection of a single storey extension to the rear elevation of the public house. The extension will require the removal of one existing window with the wall below taken down to the floor to form a doorway. The remainder of the wall will remain. The extension will be constructed from brick (although the application documents also say timber boarding (Design And Access Statement) with a slate lean-to style roof which will include the provision of two rooflights,

3.0 Relevant Planning History

SDNP/15/04213/FUL - Change of use of store room to letting room with en-suite shower room, demolish two sheds and replace with new building, demolish outside toilet, build extension to add 2 no. new letting rooms (re-submission and amendment of 04/02810/LBC) - Withdrawn

SDNP/15/04870/LIS - Change of use of store room to letting room with en-suite shower room, demolish two sheds and replace with new building, demolish outside

toilet, build extension to add 2 no. new letting rooms (re-submission and amendment of 04/02810/LBC) - Withdrawn

4.0 Consultations

4.1 Graffham Parish Council

Graffham Parish Council (GPC) submits a SUPPORT response. Whilst GPC submits a support response to this application, this support is not a commitment to any further applications particularly in relation to the new divisions of the property.

4.2 CDC – Historic Buildings Adviser

Description of heritage asset:

The Forester's Arms is a statutorily Listed Building which has a timber-framed core and dates from at least the 17th-century. The DCMS List entry says: "*Public House. C17 or earlier timber-framed building, refaced with stucco in the C18. Hipped tiled roof. Casement windows. One window bay added at the south end in the C19. Two storeys. Three windows.*" It falls outside of any conservation area but, is set within the South Downs National Park, in the small, attractive village of Graffham, lined with many period houses, and having a strong rural character. The timber-framing in the First Floor indicate that Forester's PH more accurately dates from the later 16thC. (see also, applicant's Heritage Statement).

Significance of features:

The most significant features of The Forester's Arms include: original timber-framed 16/17th-C. core with its Inglenook brick fire-place and a Lobby-entrance plan form. Other significant, key features are the rear, late Georgian extension with period timber casement windows, set in red-and-black chequer-board brickwork (rear wall). It is notable that the casement windows are specially mentioned in the List Entry. Several Georgian casement windows still survive on the Ground Floor, and front First Floor. The later 19th-century south ('shop') wing is also of interest, but, has less intrinsic historic merit than the 16th-C, 17th-C. and 18th-C. (late Georgian) parts. A rear cat-slide roof to the south bay is modern and of no special interest.

The Council noticed illegal works taking place including the disposal and replacement of five casement timber windows in the Georgian rear wing, on site 25th January. Some limited minor works seem innocuous; i.e.- updating the small downstairs w.c.'s. However, other unauthorised works do raise serious concerns. No evidence was submitted that these Georgian casements were beyond repair, to support simply throwing away these historic windows without prior consent, or attempts to repair. The new windows have 'ovolo' glazing bars, but these fail to match the profile of the late 18th/early 19thC. Windows because these have thinner, Lambs' tongue glazing bars, so the significance and authenticity of the windows has been lost irretrievably. This makes the remaining late Georgian windows even more significant, being rarer.

Assessment of scheme

The Council raises serious concerns about unauthorised works. The problems with the approach presently are partly practical and partly concern the Listed Building's long-term conservation. Fundamental issues remain:

Unresolved Issues

Feasibility:

1. The kitchen as presently proposed is so small it seems inadequate. It remains unclear how it could deliver a key function for the shift to mainly restaurant use? The proposal is to re-locate a part of the present kitchen by breaking out brickwork under the left-hand rear window to make a doorway to a very small extension. However, basic layout details (showing exact location of units/usage) are missing in order to present a convincing case. [where cooker; wet services, etc. go?]
2. The area suggested for the kitchen is unexplained and seems unfeasible. The addition is so small it fails to offer a single workable space for a kitchen. As shown, sub-divided it by a wall would create a logistical and space problem, being cramped and unfit for purpose. The proposal shows a wall between two kitchen areas; but it poses a real risk of incremental erosion of the rear Georgian wall. Therefore, it creates more pressure to remove this wall (at some point) in order to create a single viable space.

Lack of detailed information:

3. There are no detailed plans for the most important part of the pub/restaurant. The layout needed is missing to show how the kitchen units could fit into the small space suggested for it. By contrast, all other Ground Floor areas appear on plan in great detail. This rear extension suggested is a very tight, narrow space. If proposed for wet services, this presents damp problems (from cooking steam affecting the rear wall). Laying a concrete floor slab as the owner suggested on site for this extension is inadvisable as it would also trap moisture and invite damp issues. Basic information is needed now.

Conclusions

I. The 1990 Act* states that the local planning authority or Secretary of State “*shall have special regard to the desirability of **preserving the building** or its setting or exercise of **any features of special architectural or historic interest** which it possesses.*” Therefore, the architectural and historic integrity of Forester’s Arms should be protected and any features of special interest should be conserved. *[Sect.66(1)]. However, the casual disposal of historic 1st Floor windows raises serious concerns that the scope of proposals have not been carefully considered to balance the uses with the impact on historic features, including the Georgian wing.

II. It remains unexplained why a better location cannot be found for a kitchen extension in a less sensitive location of the Listed Building, such as the south wing (rear). It is a serious concern that the ‘ad hoc’ approach and illegal loss of windows at 1st Floor already started in advance of the primary pub use being re-established. Further, the south wing has been walled off with concrete blocks with no active use.

III. While the Council strongly support reinstating active use to The Forester’s Arms, it must consider the disposition and intensity of uses. Such plans need a holistic, measured approach lacking so far, and must be considered in advance of works starting on site. A balanced, holistic approach over the whole building is needed, in order to gain the consents required legally, and the confidence to succeed.

4.3 CDC – Environmental Strategy

Bats

Due to the location of the site, the proposed works and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. Unfortunately no bat surveys have been undertaken on the site so we are unable to establish if bats are present. Prior to determination we require that a bat survey is undertaken on the building to determine if there is evidence of bats roosting within the building. If there is evidence of bats, further bat activity surveys would be required and mitigation strategies will need to be produced. These surveys plus mitigation strategies required will need to be submitted as part of the planning application prior to determination. Due to the level of protection bats hold within European legislation, if bats are found to be roosting onsite the application will also require a Natural England Protected Species Licence for the works.

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.

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 representations

6.0 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester Local Plan First Review (1999) and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan – 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 wellbeing 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 National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF07 - Requiring good design
- NPPF11 - Conserving and enhancing the natural environment
- NPPF12 - Conserving and enhancing the historic environment

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

14, 17, 115, 126-141

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

Chichester District Local Plan First Review 1999

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

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

The South Downs Local Plan – Pre Submission 2017

- 7.6 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.

7.7 The following policies of the South Downs National Park Local Plan - Pre-Submission September 2017 are relevant to this application:

- SD1 – Sustainable development
- SD5 – Design
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD12 – Historic Environment
- SD13 – Listed Buildings
- SD34 – Sustaining the Local Economy

Partnership Management Plan

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

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

- General Policy 1
- General Policy 3
- General Policy 9
- General Policy 10

8.0 Planning Assessment

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

- The impact of the proposed lean-to extension on the historic character and appearance of the listed building
- Whether the public benefits of the proposed development are sufficient to outweigh the harm caused by the proposed extension of the building as proposed

The impact of the proposed lean-to extension on the historic character and appearance of the listed building

8.2 The Forester's Arms is a grade II listed pub dating from the 16/17th century. The main building is timber framed with a later Georgian rear extension and a further 19th century extension to its southern end. The main significance of the building lies in its original timber framed core with lobby entrance plan form but also the attractive Georgian rear elevation. The rear wall of this Georgian extension is particularly significant to the overall character and appearance of the listed building

with its red and black chequer board brickwork and original Georgian casement windows. The red and black chequer board appearance extends along the full length of the rear elevation of the core of the public house interspersed by some historic door header brickwork. This is considered to provide some legibility to the involvement of the building and a reference to the possible use as cottages prior to the pub use. The significance of this fabric and an appreciation of the former uses can only be fully appreciated by viewing the rear elevation as a whole.

- 8.3 The proposed rear extension is to be sited to the south east corner of this historic rear elevation. The internal space provided by the extension is to be used as additional kitchen accommodation to support the running of the public house. Currently the pub kitchen is provided within the footprint of the building immediately adjacent to where the extension is proposed and also within a modern (20th Century) lean-to extension attached to the rear of the 19th Century south (former shop) section of the building. The applicant does not intend to continue the use of the modern lean-to extension as a kitchen but has proposed no alternative use for this section of the building and because of this reduction in size of the existing kitchen area, further kitchen space is required. The floor space of the proposed new kitchen extension is of a size commensurate with that to be lost in the modern section of the building.
- 8.4 Internally the proposed extension adjoins the existing kitchen area where unlawful works have taken place including the removal of a partition and blocking up openings to create a viewing area into the kitchen for customers of the business. The principle or acceptance of the unlawful works is not being assessed under these applications.
- 8.5 The construction of the lean-to rear extension will result in the loss of historic fabric of the building and will also lead to harm to the spatial appreciation of the rear elevation and intricate detailing of the chequer board brickwork. Furthermore the interruption to the rear elevation resulting from the extension is considered to diminish the perception of legibility and involvement of the building.
- 8.6 In order to gain access internally one of the Georgian windows in the rear elevation is to be lost and opened up into a doorway. The rear casement windows are highlighted with the building's list description providing some indication of their importance to the overall significance of the building. Four of the window frames to the rear elevation have been unlawfully removed as a result of the on-going works on site, leaving the window to be removed possibly more significant now that less of the historic fabric of the building remains.
- 8.7 In addition to the concerns highlighted above there is also concern that the space created by the proposal will not result in a particularly useable or functional space leading to pressure for the removal of the remaining rear wall and a further window at a later date. The application lacks information in relation to how the kitchen space is to be used with the location of kitchen fittings along with corridor space missing from the proposed plans. The limited additional space created by the extension and its subdivision by the original rear wall of the building is likely to result in a restricted and unworkable space leading to pressure for further alteration of the building in the future.
- 8.8 In summary on this first issue, the lean-to extension of the building as proposed is considered to lead to the loss of historic fabric of the building and will have an adverse impact on the important Page 135 of the building leading to harm to the significance of the listed building. This harm is considered to be less than

substantial harm and therefore in accordance with paragraph 134 of the NPPF should be weighed against the public benefits of the proposal including securing the optimum viable use of the heritage asset.

Whether the public benefits of the proposed development are sufficient to outweigh the harm caused by the proposed extension of the building as proposed.

- 8.9 The Forester's Arms has been closed as a public house since December 2015 and has subsequently been registered as an 'Asset of Community Value'. It is understood that the local community were unable to purchase the property but it has recently been purchased by the current agent for these applications who has sub-let the building to the applicant. It is the applicant's intention to re-open the public house, albeit on a smaller footprint than on which it previously operated, as a public house/restaurant with a number of letting rooms.
- 8.10 It is the intention of the owner to retain the north and south sections of the building although no alternative use for these areas has been proposed, however, in planning terms these parts of the building will retain their 'public house' use status unless a subsequent planning permission is granted for an alternative use.
- 8.11 There is planning policy support to ensure the retention of facilities that add to the sustainability of local communities and indeed officers have resisted proposals in the past that could have eroded the viability of the Foresters Arms as a pub, including its change of use to residential. The use of the property as a public house is considered to be its optimum viable use (as referred to in paragraph 134 of the NPPF) and as such officers are supportive of the retention of this use and are keen to see the Foresters Arms re-open as soon as possible.
- 8.12 Notwithstanding the above, the desire to see the Foresters Arms re-open as a valued community asset for Graffham and the surrounding area is not the only planning issue to consider and paragraph 132 of the NPPF requires that LPA's should give great weight to the conservation of heritage assets. It has been identified that harm to the significance of the heritage asset is caused by the proposed lean-to extension and therefore in the assessment of the merits of this proposal, the conservation needs of the building should be weighed against the desire to see the building re-open as a public house.
- 8.13 In this case, the lawful use of the building is as a public house and the owner has indicated to officers that it is his intention to see that premises are re-opened. There is nothing in use class terms that is stopping the building being used for its 'optimum viable use' in accordance with paragraph 134 of the NPPF. The optimum viable use of the building is as a public house and that is the buildings current lawful use albeit it has been closed for some time. Whilst the proposed location of the extension may be the applicant's preferred location for the kitchen accommodation, officers have identified less harmful locations where it could be provided. These include where it is currently sited in the modern 20th Century lean-to at the south end of the building (adjacent to the existing kitchen), or as a further extension to this element of the building.
- 8.14 Officers have sought to work with the applicant's agent to achieve a solution that balances the conservation needs of the building against the applicant's requirement for replacement kitchen accommodation; however, the applicant is adamant that

this is the only location for the kitchen that meets their needs. It is noted that three openings between the 16/17th core into the south wing at both ground and first floor levels have been unlawfully closed and this creates what appears to be a separate unit in this part of the building. Such intervention has yet to be justified by the applicant to officers along with an insight into the applicant's intention for this part of the building. It has been advised in previous pre-application advice that the subdivision of the building would be resisted as this would be considered to impact on the viability of the pub.

- 8.15 It is considered by officers that there are alternative, less harmful locations, where the kitchen accommodation could be provided whilst meeting the applicant's needs for replacement kitchen floor space. Furthermore, if the proposed extension was not to be permitted it would not prevent the Foresters Arms from being reopened and therefore brought back into its 'optimum viable use'
- 8.16 Whilst the re-opening of the Foresters Arms is a clear public benefit, it is not a public benefit that is dependent on these proposals being permitted. On balance it is considered that for the reasons given above there are no public benefits sufficient to outweigh the harm caused by the proposed extension.

Other Matters

- 8.17 In consultation with the Council's Ecologist it has been highlighted that the site is located within wider area known for providing and supporting a habitat for protected species. As a result the Council's Ecologist has requested a bat survey to accompany the application.
- 8.18 It is however noted that the proposed single storey extension is to attach to the existing brickwork of the rear elevation and does not require any works to any roof space. The proposal is therefore unlikely to directly lead to harm to protected species or lead to the disturbance of a known roost. Habitat enhancements could be incorporated into the build to encourage future habitats.

9.0 Conclusion

- 9.1 The lean-to extension of the building as proposed is considered to lead to the loss of historic fabric of the building and will have an adverse impact on the important rear elevation of the building leading to harm to the significance of the listed building. This harm is considered to be less than substantial harm and therefore in accordance with paragraph 134 of the NPPF should be weighed against the public benefits of the proposal including securing the optimum viable use of the heritage asset.
- 9.2 It is clear to officers that there are alternative, less harmful locations, where the kitchen accommodation could be provided whilst meeting the applicant's needs for replacement kitchen floor space. Furthermore, if the proposed extension was not to be permitted it would not prevent the Foresters Arms from being reopened and therefore brought back into its 'optimum viable use'
- 9.3 Whilst the re-opening of the Foresters Arms is a clear public benefit, it is not a public benefit that is dependent on these proposals being permitted. On balance it is considered that for the reasons given above there are no public benefits sufficient

to outweigh the harm caused by the proposed extension and therefore the proposals are considered to be contrary to paragraph 134 of the NPPF, policies BE4, BE5, BE11, BE12 and RE1 of the Chichester District Local Plan First Review 1999 and the first purpose of designation of the South Downs National Park. The applications are therefore recommended for refusal.

10.0 Reasons for Recommendation

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

SDNP/17/05519/FUL

1. The proposed lean-to extension, by reason of its siting and design is considered to detract from the character and appearance and, historical significance of the Grade II Listed public house, resulting in the loss of historic fabric and legibility of the rear Georgian elevation. It is evident that there are other less harmful locations where an extension of the building could be sited. The current use of the building as a public house is considered to be its optimum viable use and the proposed extension is not considered essential in order to maintain this use. Whilst the re-opening of the public house is considered to be a public benefit it is not a public benefit that is dependent on the proposed extension and, given the degree of harm identified, the test in paragraph 134 of the NPPF that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use, it is considered that there is no public benefit sufficient to outweigh the harm identified. The proposal is therefore considered to be contrary to the NPPF: Sections 7 (Good Design) and 12 (Conserving and Enhancing the Historic Environment), the Chichester District Local Plan First Review 1999 policies: BE4, BE5, BE11 and BE12, the South Downs Local Plan - pre-submission 2017 policies: SD5, SD12 and SD13 and, the purposes of designation of the South Downs National Park.

SDNP/17/05520/LIS

1. The proposed lean-to extension, by reason of its siting and design is considered to detract from the character and appearance and, historical significance of the Grade II Listed public house, resulting in the loss of historic fabric and legibility of the rear Georgian elevation. It is evident that there are other less harmful locations where an extension of the building could be sited. The current use of the building as a public house is considered to be its optimum viable use and the proposed extension is not considered essential in order to maintain this use. Whilst the re-opening of the public house is considered to be a public benefit it is not a public benefit that is dependent on the proposed extension and, given the degree of harm identified, the test in paragraph 134 of the NPPF that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use, it is considered that there is no public benefit sufficient to outweigh the harm identified. The proposal is therefore considered to be contrary to the NPPF: Sections 7 (Good Design) and 12 (Conserving and Enhancing the Historic Environment), the Chichester District Local Plan First Review 1999 policies: BE4, BE5, BE11 and BE12, the South Downs Local Plan - pre-submission 2017 policies: SD5, SD12 and SD13 and, the purposes of designation of the South Downs National Park.

11.0 Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal and suggesting alternative less harmful locations for the development, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Jenna Shore
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email: jshore@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 - Block and location plan	PL01	A	09.11.2017	Superseded
Plans - Proposed floor plans and elevations	PL02	A	27.10.2017	Superseded
Plans -	EX02		27.10.2017	Not Approved
Plans - Block and location plan	PL01	B	03.01.2017	Not Approved
Plans - Proposed floor plans and elevations	PL02	B	03.01.2017	Superseded
Plans - Proposed floor plans and elevations	PL02	C	04.01.2018	Not Approved

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

Agenda Item 13

Report to **Planning Committee**
Date **14 March 2018**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/06386/CND**
Applicant **Reside Developments Ltd**
Application **Demolition of four semi-detached houses and the erection five houses, consisting of three detached and two semi-detached dwellings, together with amended access, associated car parking and landscaping works - Variation of Condition 17 (Access Provision) of planning permission SDNP/15/06327/CND - amend wording to read: The vehicular access shall be completed as permitted before whichever occurs sooner 1) occupation of any unit or 2) before or coincidental with the completion of plots 3 and 4.**

Address **Land at Homes of Rest Graffham Street Graffham Petworth West Sussex GU28 0NW**

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

Executive Summary

Reason for Committee Referral: Parish Objection – Officer Recommends Permit

Planning permission was originally granted for the development under reference SDNP/14/02844/FUL (subsequently amended by SDNP/15/06327/CND). Condition 17 requires revisions to the access to serve the development to be carried out prior to any other operation or development on the site. The applicant considers that this poses practical difficulties both logistically and interferes with the ability of existing occupants to access their properties during this phase of the development. The amendments to the condition are to enable the access works to be carried out at a later stage in the development.

The re-worded condition (at paragraph 9.1 of the main report) requires the permanent access to be re-positioned slightly further to the south of its present position, with the formation of the required splays as detailed on the highway consultants technical drawings. This must occur before occupation of any of the dwellings and before or coincidental with the substantial completion of Plots 3 and 4. This does not undermine the objectives of the original condition to provide safe and suitable access to occupants of the new and existing dwellings and will enable the development to proceed in a more practical manner.

1.0 Site Description

- 1.1 The application site lies toward the southern end of Graffham village on the east side of the Street. It comprises the Homes of Rest, listed Grade II by Historic England in February 2011, two pairs of semi-detached bungalows, an area of gently sloping open space laid to grass to the south of the Homes of Rest and an area of informally kept ground extending northward to 1 and 2 Hillside. The site lies within the designated conservation area and within the South Downs National Park. It also lies within the Settlement Policy Area for Graffham.
- 1.2 Access is gained to the site from a single point of entry close to the Homes of Rest, at its northern end. The drive rises quickly from street level then forks, with the northern arm providing vehicular access to the dwellings fronting The Street and the northern part of the site, with the other arm running eastward past the north facade of the Home of Rest and returning southward for a short distance to service the existing pair of semi-detached dwellings.
- 1.3 The Homes of Rest remain occupied but the two pairs of bungalows are vacant and have been stripped out to render them uninhabitable.

2.0 Proposal

- 2.1 This application is submitted under section 73 of the Town and Country Planning Act 1990 and seeks to vary Condition 17 of SDNP/15/06327/CND (previously SDNP/14/02844/FUL) in order to amend the phasing for the construction of the main access to the development. Condition 17 is currently worded as follows:

"No development shall commence until the vehicular access has been constructed in accordance with the approved planning drawing and the Technical notes submitted by RGP Transport Planning and Infrastructure Consultants in support of the application.

Reason: In the interests of road safety."

The condition requires revisions to the access to serve the development to be carried out prior to any other operation or development on the site.

2.2 The applicant considers that this poses legal and practical difficulties in implementing this as the first operation and is therefore seeking to amend the condition to state:

"The vehicular access shall be completed as permitted before whichever occurs sooner: 1) occupation of any unit or 2) before or coincidental with the completion of Plots 3 and 4."

- 2.3 All other aspects of the proposed development are to remain as previously permitted.

3.0 Relevant Planning History

SDNP/14/02844/FUL - Demolition of four semi-detached houses and the erection five houses, consisting of three detached and two semi-detached dwellings,

together with amended access, associated car parking and landscaping works. PERMIT 02.06.2015

SDNP/15/06327/CND - Variation of Condition 1 of planning permission SDNP/14/02844/FUL - minor alterations to the approved parking arrangements, bin storage area and access. PERMIT 01.03.2016

SDNP/16/02102/DCOND - Discharge of condition 14 of planning permission SDNP/14/02844/FUL. REFUSED 01.07.2016

SDNP/16/03555/DCOND - Discharge of conditions 3, 5, 6, 7, 11, 13, 14 and 18 for permission SDNP/15/06327/CND. PERMIT 04.11.2016

SDNP/17/01339/DCOND - Discharge of condition 4 from planning permission SDNP/15/06327/CND (previously SDNP/14/02844/FUL) - sample panel. PERMIT 22.05.2017

SDNP/17/01403/DCOND - Discharge of condition 11 from SDNP/15/06327/CND (previously SDNP/14/02844/FUL) - landscaping scheme. PERMIT 22.05.2017

4.0 Consultations

Graffham Parish Council

We write to inform you that it was unanimously agreed that this application should be objected to in the strongest possible terms.

Condition 17 was imposed on the planning consent two and a half years ago. This application refers to the original reason for the condition being 'in the interest of public safety' whereas the condition actually states 'in the interests of road safety' both of course are of paramount importance but must bring into doubt the basis of the reasoning for the variation submitted by Boyer.

The Condition requires that the vehicular access is constructed in accordance with drawings and technical notes submitted by RGP Transport Planning and Infrastructure Consultants. RGP were commissioned by Reside Developments to provide advice and they submitted their report dated August 2014.

From the plans, prepared by RGP, attached to the consent it is clear that the new access drive can be constructed alongside the existing driveway thus minimising inconvenience to the residents and of course all road users. We are at a loss to understand Boyer's statement 'poses practical difficulties with regard to the delivery/storage of plant -' as the existing access is useable and ample storage is available on the site.

This application proposes that residents of the Homes of Rest, Chelsea Cottage and Hillside, the users of the current entranceway, their visitors and deliveries pass over the contractors' temporary access crossing the green and then through the building site whilst the development is in progress. That surely has no concern for public safety, road safety, contrary to Health and Safety requirements on building sites and potentially very dangerous. That cannot be countenanced. It has been our contention that the existing entrance would become even more

dangerous with the additional traffic from the new houses hence the reason for Condition 17 to move the entrance further south prior to the commencement of the development and it is clear that since the consent was granted the traffic past the site has increased due to activities at the school, food deliveries, online purchase deliveries and the like. That is before contractors start work with daily deliveries of materials and plant together with the transport for the workforce, It must be essential that the works proposed by RGP, advisers to the developers Reside are undertaken in accordance with the condition imposed by SDNP and this application can in no way be considered a 'de-minimis' amendment.

We request this application is refused and Condition 17 remains in its present form.

5.0 Representations

5.1 4 Third Party objections

No reason to allow a long delay to construction of vehicular access
Temporary access would be retained for longer than absolutely necessary
No variation should be permitted in the interests of road safety
Would object to any proposal preventing wheel washing facility, clean access for resident's at all times or disruption of traffic on the public highway.

5.2 Agent's supporting information

Current condition requires construction of new permanent access before commencement of development.

Development predicated on provision of a temporary access south of existing access which itself would comprise a material operation under section 56 of the Act.

Requirement to construct permanent access as approved poses practical difficulties regarding deliveries and storage of plant, materials and machinery given no other development (i.e. the temporary access) may be commenced until the revised access is completed.

Also practical need to allow continued access to properties that are dependent on existing access during construction phase of development. In practice, the strict requirements of the condition would leave resident's landlocked for a period of time.

Revised wording would ensure access would still be constructed ahead of occupation, thereby ensuring that public safety - the reason for the need for the revised position of the access and therefore the condition - will be maintained.

6.0 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Pre-Submission September 2017

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7.0 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 National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Achieving sustainable development
- NPPF06 - Delivering a wide choice of high quality homes
- NPPF04 - Promoting sustainable transport
- NPPF07 - Requiring good design
- NPPF11 - Conserving and enhancing the natural environment
- NPPF12 - Conserving and enhancing the historic environment

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

7, 14, 17, 32, 56, 115, 129, 132, 134.

- 7.4 It is also necessary to have regard to the statutory duties set out at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.5 Guidance on the imposition and use of conditions (including their variation or amendment) is contained in the National Planning Practice Guidance (NPPG).

Chichester District Plan First Review 1999

- 7.5 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
- BE4 - Buildings of Architectural or Historic Merit
- BE6 - Conservation Areas
- BE11 - New Development
- BE13 - Town Cramming
- TR6 - Highway Safety

The South Downs Local Plan – Pre-Submission 2017

- 7.6 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.

- 7.7 The following policies of the South Downs National Park Local Plan - Pre-Submission September 2017 are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art

Partnership Management Plan

7.8 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 9
- General Policy 50

8.0 Planning Assessment

8.1 The main issue with this application is considered to be whether the variation of Condition 17, to amend the stage during the construction process at which the revisions to the site access are made, would be prejudicial to the implementation of the development approved under reference SDNP/15/06327/CND in the context of the effect on the character and appearance of the area (including the setting of the listed building on the site), highways safety and residential amenity.

8.2 In determining this application, both the operation of the original condition and the objectives of the amended condition must be considered in the light of the six tests to be applied to the use of planning conditions as set out in the NPPF and NPPG. Paragraph 206 of the National Planning Policy Framework states

"Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects."

8.3 Condition 17 was imposed on SDNP/15/06327/CND (and also on the original planning permission reference SDNP/14/02844/FUL) to ensure that the development would be served by a safe and suitable means of access in the light of recommendations by the applicant's own highway consultant and advice from West Sussex County Council as Highway Authority. The condition states:

"No development shall commence until the vehicular access has been constructed in accordance with the approved planning drawing and the technical notes submitted by RGP Transport Planning and Infrastructure Consultants in support of the application"

The reason for the condition is *"In the interests of road safety"*

8.4 However, the current wording of the condition requires the revised access to be constructed before any other development takes place. In practice, the safe implementation of the development as a whole is predicated on the construction of

the temporary access to the site across the green to the south to service areas allocated for the site office and materials and plant and machinery storage already approved as part of a Construction Management Scheme (CMS). The applicant has identified that the construction of the temporary access and compound may itself comprise a material operation under s.56 of the Act (i.e. the commencement of development) and if carried out first would potentially place the developer in breach of condition 17 as currently worded. In this context, the condition might be considered not to satisfy the 6th test set out in paragraph 8.2 above in placing unreasonably onerous requirements on the developer.

- 8.5 If the temporary access and construction compound is not carried out and the revised access begun as the first operation in accordance with the current wording of the condition, this would then pose practical issues with regard to the safe delivery and storage of materials by construction vehicles in connection with the construction of this particular aspect of the development because of the horizontal and vertical alignment of the existing access relative to The Street and would leave residents landlocked for a period of time by preventing continued access to properties that depend on it.
- 8.6 The Parish Council state that the RGP plans suggest that the new access could be constructed alongside the existing access remains. This may be the case with respect to the bellmouth but the plans also show that realignment of the existing drive to meet up with the new access position would in practice rule out its continued use. The implications are that there would be a potential increase in on-street parking by residents who cannot access their properties during this work, along with contractors' vehicles working on this aspect of the development.
- 8.7 The suggested re-wording of the condition is a practical and pragmatic response to these issues. It does not seek to undermine the objectives of the condition as a whole, which is to provide a safe and suitable access to the completed development and for existing residents that will use the access. The development of the site is to be phased, with the new dwellings being built out from Plot 1 to the north through to Plot 5 in the south and so the wording of the new condition is designed to prevent any additional use of the existing access by the new dwellings unless the re-alignment works have been completed. This will ensure that the use of the existing access does not exceed current levels and the status quo in terms of highway safety is maintained.
- 8.8 A further benefit in phasing the re-alignment works to the existing access is that a degree of separation between existing residents and construction activity is maintained for a longer period. It is acknowledged that there will be a point when the realignment works take place when alternative access arrangements for existing residents would have to be made. Provided appropriate on-site management is in place and bearing in mind the majority of construction work in the northern part of the site is likely to have been completed at that stage, there is no reason why access to the existing properties via the temporary access cannot take place in a safe and controlled manner whilst the realigned access and drive is completed.
- 8.10 The issues raised by the Parish Council regarding the highway safety aspects of the access to service the new and existing development were fully considered when planning permission was granted in 2015. The approved revisions to the

access alignment are designed to take account of vehicular use of the Street, based on quantitative survey data commissioned for that purpose. The Highway Authority did not raise objection to the proposal at that time. It is acknowledged that there will be an increase in traffic movements along The Street during the construction phase of the development but this is a temporary situation common to most construction projects.

- 8.11 The proposed revision of the condition involves no physical alteration to the approved point of access to serve the development and therefore there are no additional implications with regard to the setting of the listed Homes of Rest or the character of the conservation area over and above those considered on the original application. The same is the case with respect to residential amenity. The necessary provision of the revised access will still take place before any increased use occurs and the amendment to the condition simply alters the timing of its construction for the reasons outlined above.

9.0 Conclusion

- 9.1 The re-worded condition 17 is considered to achieve the same highway safety objectives as the original condition intended to do while at the same time permitting the development to proceed in the most practical manner. The applicants suggested wording requires further drafting to secure the same level of precision as the original and the following is therefore proposed:

"The vehicular access shall be constructed and completed in accordance with the approved planning drawing and the Technical notes submitted by RGP Transport Planning and Infrastructure Consultants in support of the application and as permitted before whichever occurs sooner: 1) occupation of any unit or 2) before or coincidental with the completion of Plots 3 and 4.

Reason: To ensure the provision of a safe and suitable means of access to the development and existing users in the interests of road safety"

On this basis, the condition is considered to meet the six tests set out in paragraph 206 of the NPPF.

- 9.2 All other pre-commencement conditions have been successfully discharged and therefore there is no need to re-impose these but to simply ensure that the approved details are carried over by reference to the relevant DCOND decisions in new conditions. There is also the opportunity to reinforce existing controls over the length of time the temporary access/compound remains in situ and to secure its removal and the return of the green to its original condition at the earliest practical opportunity. In view of the proposed amendments to Condition 17 it is also proposed to add a further condition preventing the use of the existing access by construction or contractors' vehicles at any stage of the development.

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 planning permission reference SDNP/14/02844/FUL (i.e. by 02.06.2018)

Reason: In order to reflect the time limit imposed on SDNP/14/02844/FUL and to comply with Section 73(5)(a) of the Town and Country Planning Act 1990 (as amended) and Section 51(3) of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans approved on planning permission SDNP/14/02844/FUL (as amended by SDNP/15/06327/CND).

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

3. No extensions/alterations

Notwithstanding the provisions of Schedule 2, Part 1 Classes A to C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

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

4. No outbuildings or hardstandings

Notwithstanding the provisions of Schedule 2, Part 1 Classes E and F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure or hard surface, shall be erected or laid (as applicable) anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

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

5. No gates, walls fences, etc

Notwithstanding the provisions of Schedule 2, Part 2 Class 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed within the curtilage of any dwelling anywhere on the application site unless otherwise granted by the SDNPA by way of a planning application.

Reason: In the interests of visual amenity.

6. Landscape implementation

All planting, seeding or turfing comprised in the scheme of landscaping approved under reference SDNP/16/03555/DCOND and/or SDNP/17/01403/DCOND 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, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. Car parking provision

The use hereby permitted shall not be carried on until provision for car parking has been made within the site in accordance with details to be submitted to and approved by the SDNPA and such provision shall thereafter be retained at all times for their designated use.

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

8. Provision of visibility splays

No part of the development shall be occupied until visibility splays of 2.0 metres by 22 metres to the north and 2.0 metres by 43.0 metres to the south have been provided at the proposed site vehicular access onto The Street in accordance with the approved planning drawings and the technical notes accompanying the application provided by RGP Transport Planning and Infrastructure Consultants. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed.

Reasons: In the interests of road safety

9. Development in accordance with approved details

The development shall be carried out in accordance with the details approved in respect of materials and finishes, sample panel(s), site levels, the surface treatment of access roads, boundary treatment, scheme of landscaping, tree protection and Construction Method Statement as set out in the following documents:

SDNP/16/03555/DCOND
SDNP/17/01339/DCOND
SDNP/17/01403/DCOND

Reason: To secure harmonious development sympathetic to the character and appearance of the conservation area and to the setting of the listed building.

10. Timing of construction of revised access

The vehicular access shall be constructed and completed in accordance with the approved planning drawing and the Technical notes submitted by RGP Transport Planning and Infrastructure Consultants in support of the application and as permitted before whichever occurs sooner: 1) occupation of any unit or 2) before or coincidental with the completion of Plots 3 and 4.

Reason: To ensure the provision of a safe and suitable means of access to the development and existing users in the interests of road safety.

11. No use of existing access during construction

No construction or contractors vehicles shall use the existing access to enter the site at any time. All reasonable steps shall be taken by the developer (or their agent) to ensure that employees and sub-contractors do not park on the public highway and such persons use the temporary access and parking facilities at all times.

Reason: To safeguard existing residents' amenities and in the interests of road safety.

12. Timing for removal of temporary access and compound areas

No development shall be commenced until details of the timescale for the implementation and subsequent removal of the temporary access road and construction compound and the reinstatement of the open space to the same condition prior to the commencement of development. The timescale shall be coincident with the expected construction time of the development as a whole as referred to in the approved Construction Management Scheme under reference SDNP/16/03555/DCOND.

Reason: In the interests of the character and appearance of the conservation area and setting of the listed building.

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

SDNPA Consultees Parish Council; neighbouring properties

Background Documents Planning permissions SDNP/14/02844/FUL;
SDNP/15/06327/CND
Discharge of Condition approvals SDNP/16/0355/DCOND;
SDNP/17/01339/DCOND; SDNP/17/01403/DCOND
Chichester District Local Plan First Review 1999; South
Downs Local Plan Pre-submission September 2017; South
Downs Management Plan; NPPF, NPPG

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

There were no plans submitted for this application.

Chichester District Council

Planning Committee

Wednesday 14 March 2018

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).

* - Committee level decision.

1. NEW APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/17/01998/FUL</u> Bury Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Arun Cottage The Street Bury RH20 1PA - Demolition of existing dwelling and erection of replacement dwelling with associated landscape design.</p>
<p><u>SDNP/17/02952/FUL</u> Bury Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>
<p><u>SDNP/17/03896/HOUS</u> Duncton Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached ancillary residential outbuilding comprising with garaging, storage and attic room.</p>

<u>SDNP/17/03224/FUL</u> Easebourne Parish Case Officer: Rafael Grosso Macpherson Written Representation	Vine House Elderly Peoples Residence Easebourne Lane Easebourne Midhurst West Sussex GU29 9AZ - Single storey extension to south elevation, single storey and part two storey extension to the west elevation.
<u>SDNP/16/04519/FUL</u> East Lavington Parish Case Officer: John Saunders Written Representation	Copse Cottage Norwood Lane East Lavington Petworth West Sussex GU28 0QG - Replacement dwelling and associated garaging.
<u>SDNP/17/02266/FUL</u> Fernhurst Parish Case Officer: Bev Stubbington Written Representation	October House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Change use of land to garden land and construction of tennis court with 2.75m high surrounding fence.
<u>16/03997/OUT</u> Selsey Parish Case Officer: Steve Harris Informal Hearing	Land On The South Side Of Warners Lane Selsey West Sussex - Outline application for the construction of 68 no. residential units with primary access off Old Farm Road.

2 DECISIONS MADE

Reference/Procedure	Proposal
<u>17/00858/FUL</u> Southbourne Parish Case Officer: Paul Hunt Written Representation	Marsh Farm Farm Lane Nutbourne PO18 8SA – alterations to approved garage (application SB/16/03112/FUL) to connect it to the new proposed pool cover.
Appeal Decision: APPEAL ALLOWED	

“...The proposed development would be associated with and detached from a new two storey dwelling currently under construction a short distance to the west and within a large overall plot. It would occupy a large part of the space currently enclosed by a wall of varying height. It would replace large sections of the eastern and northern parts of that wall, aligned with that remaining to the east and straddling that to the north, whereas the previously approved garage would just extend to the north of it. The proposal would extend noticeably higher than the existing wall enclosing the existing pool area. Although it would have a fairly large footprint in the context of being an ancillary outbuilding relating to the main dwelling, it would be of a fairly simple design with shallow pitched or mono-pitched roof slopes. It would therefore have a fairly modest height to both eaves and ridge level, particularly compared with the main dwelling. It would also be lower in height than a fairly large nearby outbuilding associated with the new dwelling just to its south-east with a steeply pitched roof. ... For these reasons, the proposal would not only be closely tied to and set within the context of a cluster of other existing buildings, but it would be less prominent than those others in terms of height and have a sufficiently subservient appearance in relation to the main dwelling. ... Furthermore, due to its comfortable containment within the existing site boundaries and proximity to existing buildings, the proposal would not materially encroach upon, and would be distinctly separated from, the openness of the surrounding fields and harbour. ... The proposal would therefore not be a dominating or incongruous feature of the site and surrounding area generally, and would be unlikely to appear as part of an overly domestic complex of buildings. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area, and would conserve the landscape and scenic beauty of the AONB. As such, it would accord with policies 33, 43, 45 and 48 of the Chichester Local Plan: Key Policies, policies 4 and 7 of the Southbourne Parish Neighbourhood Plan (2014-2029), and the SPD. ... The Council has suggested five conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government’s Planning Practice Guidance and amended some of the wording. ... For the above reasons, I conclude that the appeal should be allowed.”

SDNP/15/00109/OPDEV
Stedham Parish

Case Officer: Reg Hawks

Written Representation

Field South of The Old Stables Mill Lane
Stedham Midhurst West Sussex GU29 0PR - Without planning permission, formation of a hardsurfaced access track. Appeal against Enforcement Notice SJ/25.

Appeal Decision: DISMISSED – NOTICE UPHELD WITH VARIATION

The appeal is dismissed and the enforcement notice is upheld with variation... There appears to be no dispute that the track was upgraded in early 2015, when two lines of granite setts were laid on a concrete sub-base. The central part of the track within the edging has been infilled with pea shingle laid on a membrane....It is this upgraded track that is the subject of the appeal before me... The main issue is the effect of the track on the character and statutory purposes of the National Park...

Need

I acknowledge that the land appears to be soft...Notwithstanding this, given the all-terrain vehicles available to the appellant, the limited size of the holding and low numbers of animals, I find the argument of an essential or functional need for a hard surfaced track to be used solely for agricultural purposes lacks cogency. I therefore give it little weight.

Visual effect

...the urban character and form of the track is incongruous at best. It is a feature that appears totally incongruous and inappropriate in this gentle countryside setting which is characterised by rolling farmland and a rural informality.

...I acknowledge the visibility of the track in the wider countryside is not significant, but this does not outweigh the harm that arises to the natural beauty of the National Park... Thus the development conflicts with the aims of Saved Policies RE1 and BE11 of the Chichester District Council Local Plan First Review 1999 (CDCLP)... Thus the appeal fails..."

3 CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>16/00933/OUT</u> Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Public Inquiry 20/03/2018 at 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>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.</p>
<p><u>17/01790/FUL</u> Bosham Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport. Linked to 17/017991/FUL</p>
<p><u>17/01791/LBC</u> Bosham Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport. Linked to 17/01790/FUL</p>
<p>* <u>16/00492/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>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.</p>

<p><u>17/02423/FUL</u> Hunston Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>Brook Lea Selsey Road Hunston PO20 1NR - Variation of condition 8 of permission HN/17/00314/FUL (Construction of 5 no. dwellings and associated works (minor amendment to outline planning permission 16/00856/OUT and associated reserved matters 16/02672/REM).) Omit the post and rail fence and amend plan.</p>
<p><u>15/00375/CONCOU</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry to resume on 22/05/2018 at 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Ten Acres, Land North Of Fisher Common Nursery, Fisher Mundham, West Sussex - Without planning permission, the change of use of a building to use as a dwellinghouse. Appeal against enforcement notices NM/21 & NM/24</p>
<p><u>16/00424/ELD</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry to resume on 22/05/2018 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Ten Acres, Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex 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.</p>
<p><u>17/00838/ELD</u> North Mundham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry 20/03/2018 10:00:00 Chichester District Council East Pallant House PO19 1TY</p>	<p>Field House Vinnetrov Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p>

<p><u>17/00074/CONENF</u> Oving Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against Enforcement Notices O/27 & O/28.</p>
<p><u>17/01485/DOM</u> Plaistow And Ifold Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>Quennells Loxwood Road Plaistow Billingshurst West Sussex RH14 0NX - Partial demolition of link buildings with internal and external alterations. New building to form single and double storey extension with rebuilt link buildings to adjacent building.</p> <p>Linked to 17/01786/LBC</p>
<p><u>17/01486/LBC</u> Plaistow And Ifold Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>Quennells Loxwood Road Plaistow Billingshurst West Sussex RH14 0NX - Partial demolition of link buildings with internal and external alterations. New building to form single and double storey extension with rebuilt link buildings to adjacent building.</p> <p>Linked to 17/01485/DOM</p>
<p><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing 1/05/18 at 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p> <p>Linked to 16/03383/FUL</p>
<p><u>16/03383/FUL</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing 1/05/18 at 10:00:00 Chichester City Council Chichester PO19 1LQ</p>	<p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a traveller's caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p> <p>Linked to 16/00359/CONTRV</p>

<p>* <u>16/03751/FUL</u> Southbourne Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p>	<p>Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA - Change of use of existing storage building to a 2 bed holiday let.</p>
<p><u>SDNP/17/01624/HOUS</u> Stedham Parish</p> <p>Case Officer: Rafael Grosso Macpherson</p> <p>Written Representation</p>	<p>3 Claypit Cottages Linch Road Redford Woolbeding GU29 0QF – retrospective proposal to change existing UPVC casement windows to wooden sash with panes.</p>
<p><u>SDNP/17/00294/FUL</u> Sutton Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>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 (variation from SDNP/12/0149/HOUS and SDNP/12/01050/LIS).</p>
<p><u>SDNP/17/00295/LIS</u> Sutton Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>1 Sutton Hollow The Street Sutton RH20 1PY – Retrospective application for partial reconstruction and change of use of existing outbuilding to form self-contained annex/holiday accommodation (variation from SDNP/12/01049/HOUS and SDNP/12/01050/LIS).</p>
<p><u>SDNP/15/00301/BRECON</u> Sutton Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Land at 1 Sutton Hollow The Street Sutton RH20 1PY – without planning permission, erection of dwellinghouse – appeal against Enforcement Notice SN/3</p> <p>Linked to SDNP/17/00294/FUL above.</p>
<p><u>17/00866/FUL</u> West Itchenor Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Owl Cottage And Pheasant Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DA - Change of use and conversion of two self catering holiday units to form a single unrestricted Class C3 dwelling house including some minor internal changes and external alterations to the appearance of the building.</p>

<p><u>16/00094/CONMHC</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 1/05/18 at 10:00:00 Chichester District Council East Pallant House PO19 1TY</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ – without planning permission, stationing of a mobile home for the purposes of human habitation. Appeal against Enforcement Notice WE/38</p>
<p><u>16/03010/FUL</u> Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry 1/05/18 at 10:00:00 Chichester District Council East Pallant House PO19 1TY</p>	<p>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).</p> <p>Linked to 16/00094/CONMHC</p>
<p><u>16/00191/CONCOU</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Change of use to HGV operating centre. Appeal against Enforcement Notice.</p> <p>Linked to 17/00378/FUL</p>
<p><u>17/00378/FUL</u> Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne PO10 8RZ - Retrospective application for change of use of land as open storage for vehicles and use as HGV Operating Centre, with ancillary office and stores.</p> <p>Linked to 16/00191/CONCOU</p>
<p><u>17/00670/FUL</u> Westbourne Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX - Change use of land for retail use of selling christmas trees for the period of 1 month each year from 24/11 to 24/12.</p>

<u>16/02717/OUT</u> Wisborough Green Parish Case Officer: Katherine Rawlins Public Inquiry 30/01/2018 Awaiting decision	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.
<u>17/00934/FUL</u> Wisborough Green Parish Case Officer: Maria Tomlinson Written Representation	Old Helyers Farm Kirdford Road Wisborough Green RH14 0DD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.

4 VARIATIONS TO SECTION 106 AGREEMENTS

5 CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6 COURT AND OTHER MATTERS

High Court Challenges		
Site	Matter	Stage
Breach Avenue, Southbourne	Challenge of Inspector's	Awaiting Court's permission to
Court Hearings		
Site	Matter	Stage
Decoy Farm, Oving	Application to recover LPA costs in clearing the land	Case Management

Prosecutions		
Site	Breach	Stage
The Old Tanneries, Petworth	Breach of Enforcement Notice	First court hearing adjourned to 25 May for review as compliance achieved but for one requirement which is season dependent (re-seeding of track to happen in April)

7 POLICY MATTERS