

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 18 April 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 9)

The minutes relate to the meeting of the Planning Committee on 14 March 2018.

3 **Urgent Items**

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

4 **Declarations of Interests** (Pages 10 - 11)

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

5 **E/17/02910/FUL - Almodington Nurseries Batchmere Road Almodington**

Earnley PO20 7LG (Pages 12 - 21)

Proposed Change of Use of an existing agricultural building to 3 no. dwellinghouses (Use Class C3), and erection of pitched roof over flat roof lean-to part of building - Alternative to Part 3, Class Q Prior Approval E/17/01189/PA3Q

6 **CC/18/00219/DOM - 9 Velyn Avenue Chichester PO19 7UP** (Pages 22 - 28)

Hip to gable east side roof enlargement, 1 no. rear dormer, 3 no. front rooflights and 1 no. east side rooflight to create an additional bedroom and associated ensuite in the loft space and internal alterations

7 **CC/18/00053/DOM- 36 St James Road Chichester PO19 7HT** (Pages 29 - 34)

Two storey side extension and loft conversion with rear dormer window

8 **CC/17/03117/FUL - Land West Of Frederick Road Chichester West Sussex** (Pages 35 - 66)

Erection of 25 no. dwellings with the associated vehicular and pedestrian access, parking and secure cycle storage, landscaping and open space

9 **SDNP/16/03326/FUL - Garden of 1 Stone Pit Cottages Marleycombe Road Camelsdale, Linchmere** (Pages 67 - 84)

Proposed dwelling

10 **Schedule of Outstanding Contraventions** (Pages 85 - 107)

11 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 108 - 133)

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

12 **Consideration of any late items as follows:**

The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:

- a) Items added to the agenda papers and made available for public inspection
- b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

13 **Exclusion of the Press and Public**

The committee is asked to consider in respect of the following item whether the public interest including the press should be excluded from the meeting on the grounds of exemption under Paragraph 5 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

(Note: The report dealt with under this part of the agenda will be sent to members of the Planning Committee relevant officers only (printed on salmon paper)

14 **Revocation of Tree Preservation Order at 22 Salthill Road, Fishbourne (paragraph 5)**

A written report in respect of this agenda item will be circulated subsequent to the despatch of the agenda

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Advert
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development

CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 14 March 2018 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), 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

Members not present: Mr G Barrett and Mrs J Duncton

In attendance by invitation:

Officers present: Mr J Bushell (Principal Planning Officer), Miss N Golding (Principal Solicitor), Miss L Higenbottam (Democratic Services), Mrs A M Pagano (Principal Conservation and Design Officer), Mr D Price (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Principal Planning Officer) and Mr T Whitty (Development Management Service Manager)

133 **Chairman's Announcements**

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

Apologies were received from Mrs Duncton.

134 **Approval of Minutes**

RESOLVED

That the minutes for the meeting held on 7 February 2018 be approved and signed by the Chairman as a correct record.

135 **Urgent Items**

There were no urgent items.

136 **Declarations of Interests**

Mr Dunn declared a personal interest in respect of applications WH/17/03466/FUL, SDNP/16/03326/FUL SDNP/17/05519/FUL, SDNP/17/05520/LIS and SDNP/17/06386/CND as a Chichester District Council appointed member of the South Downs National Park Authority.

Mr Hayes declared a personal interest in respect of application SB/17/02596/FUL as a member of Southbourne Parish Council.

Mr Hixson declared a personal interest in respect of applications CC/17/03357/FUL and CC/98/02043/OUT as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of applications CC/17/03357/FUL and CC/98/02043/OUT as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of applications CC/17/03357/FUL, CC/98/02043/OUT, EWB/17/01259/FUL, SB/17/02596/FUL, WH/17/03466/FUL and SDNP/16/03326/FUL as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of applications CC/17/03357/FUL and CC/98/02043/OUT as a member of Chichester City Council.

Mr Plowman also declared a personal interest in respect of application CC/17/03357/FUL as a Chichester District Council appointed member of the Chichester Conservation Area Advisory Committee.

Mrs Purnell declared a personal interest in respect of applications CC/17/03357/FUL, CC/98/02043/OUT, EWB/17/01259/FUL, SB/17/02596/FUL, WH/17/03466/FUL and SDNP/16/03326/FUL as a member of West Sussex County Council.

Mrs Purnell also declared a personal interest in respect of application EWB/17/01259/FUL as the Chair of Manhood Peninsula Partnership.

Mrs Tull declared a personal interest in respect of applications SDNP/16/03326/FUL as a member of the National Trust.

Planning Applications

(To listen to the full debate of the planning applications follow the to the [link](#) 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 subject 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 be made subject to the observations and amendments below:

137 **CC/17/03357/FUL - Providence Works, Lyndhurst Road, Chichester, West Sussex, PO19 7PF**

The following member of the public addressed the Committee:

- Mrs K Simmons - Agent

In response to members comments and questions Mrs Stevens confirmed the size of the proposed dwellings; plot 1 – three bed, plots 2 and 3 – four bed and plot 4 – five bed. She explained that the previously approved scheme (15/04201/FUL) had also allowed for 16 bedrooms and therefore although the size of the dwellings differed the number of people that could be accommodated remained the same. With regard to concerns that there could be further building works on the site conditions 18 ensures extensions and alterations would require planning permission. Mrs Stevens clarified that refuse collection would be from the pavement with bin storage on site at other times. With regard to construction management there is no requirement for the developer to cover loads although it is common practice. With regard to the flood risk the Environment Agency had agreed to the standard flood risk condition. Mrs Stevens confirmed that the proposed parking layout was the same as the layout of the approved scheme and officers had received amended garage plans which detailed internal garage measurements of 6 x 6 metres. Mr Oakley queried whether details of levels had been provided and whether the drainage condition should be amended to meet future climate change. Mrs Stevens advised that conditions had been repeated from the previous permission, however a condition requiring levels could be imposed if considered necessary, and that the drainage condition could be amended.

Recommendation to **Permit** with Section 106 agreed.

138 **CC/98/02043/OUT - Warrendell, Adjacent To Centurion Way Off Plainwood**

The following members of the public addressed the Committee:

- Mr B Aldridge – Objector
- Mr C Beazley – Objector
- Mr I Oliver (on behalf of Ms L Bye) - Objector
- Mrs S Sharp (on behalf of Chicycle) - Supporter

Mr Bushell explained that the application was referred back to Committee both to advise it of the agreement now reached with the applicant and WSCC to provide a sustainable pedestrian/cycleway link from the site to Centurion Way, and for members to endorse this as an amended clause in the section 106 agreement. In response to members comments and questions he clarified that he could not confirm the precise location of the proposed combined pedestrian/cycleway link or the open space until the reserved matters application with the proposed layout of the site had been submitted. Given the site's constraints it was likely that the pedestrian/cycleway link would be in the north-west corner of the site adjacent to the end of Plainwood Close. He explained that the open space was likely to be located north of the retained pond in the centre of the site. He clarified that the pedestrian/cycleway link would be open to the public not just the residents of the

proposed development and that a management company would be established to carry out any maintenance. With regard to concerns about a sinkhole on the site Mr Bushell confirmed that this would be a construction consideration for the developer rather than the Committee. With reference to the recently agreed Solent Recreation Mitigation Strategy he confirmed that if the agreement is not signed before 1 April 2018 the new higher rate would be applied.

Mr Whitty agreed that it would be appropriate to amend the flood risk condition to mirror the new standard condition. Mr Bushell also agreed to address the repetition of conditions 24 and 33.

Mr Oakley proposed that the second sentence of the officer recommendation be amended to read 'if the Section 106 agreement is not complete within 6 months of the resolution then return to Committee' rather than delegating the application to officers. Mrs Tassell seconded the proposal which was carried.

Recommendation to **Defer for a Section 106** agreement then **Permit** agreed. If the Section 106 agreement is not complete within 6 months of the resolution then return to Committee.

The Committee took a short break.

139 **EWB/17/01259/FUL - Billy's On The Beach Kiosk, Bracklesham Lane, Bracklesham Bay, Chichester, West Sussex, PO20 8JH**

This application had been deferred at the Planning Committee meeting held on 11 October 2017 for a site visit and for officers to further address concerns raised by the Foreshores Officer. The site visit took place on 12 March 2018.

Information was reported on the agenda update sheet setting out further comments from WSCC Highways and the council's Health and Safety Manager. Mr Whitty drew attention to additional conditions regarding outdoor seating, the orientation of the catering van and the size and style of the gate. A further update had been received from the Foreshores Officer following publication of the agenda update sheet. The information included a new tracking plan (shown on screen) demonstrating the movement of a 7 metre trailer down the slipway track. Mr Whitty confirmed that the plan demonstrated the correct route around the car park and it would be unreasonable to request the applicant to track alternative routes that did not follow the car park's directional flow. Mr Whitty also confirmed that the potential alterations to the barriered access to the slipway to the north west of the foreshores office, viewed by the Committee on the site visit, did not form part of the application.

The following members of the public addressed the Committee:

- Mr B Reeves – East Wittering and Bracklesham Parish Council
- Ms J Gayfer – Objector
- Mr I Grant – Objector
- Mr N Ellis - Agent

In response to members comments and questions Mr Whitty confirmed that temporary planning permission would not be appropriate for operational development of this scale. With regard to safety concerns he clarified that the application could not be expected to address and solve existing problems. He confirmed that the catering van is subject to separate permissions but the additional condition could improve its orientation. He clarified that the disabled car parking spaces had been laid out incorrectly (in the wrong position) and would need to be addressed by the parking services team.

The Committee raised concerns that contrary to policy 42 the drainage would be compromised due to the access track covering the gully. Officers confirmed that the applicant had yet to address a solution, but that it was likely the gully would be moves southward, with the access track.

The Committee also considered a number of difficulties that had been experienced with the disabled access and parking on site and a number of safety concerns including the tight turning angle for tractors, boats and trailers. Some of the Committee considered the additional safety issues contrary to Policy 39.

The Committee then discussed the economic impact of expansion plans and whether the business had outgrown the site which is also used for a number of water based leisure activities.

Mr Hixson proposed that the application be refused due to the likelihood to exacerbate public safety issues on site, contrary to Policy 39 and the insufficient information regarding drainage, contrary to Policy 42. Mrs Purnell seconded the proposal which was carried.

Refuse (contrary to officer recommendation).

140 **SB/17/02596/FUL - Land At 5 Barnfield Close, Southbourne, Emsworth, Hampshire, PO10 8NH**

Information was reported on the agenda update sheet setting out a revised plan and amendment to the recommendation and conditions 2 and 9.

The following member of the public addressed the Committee:

- Mr S Bromley - Agent

Mrs Stevens confirmed that the parking allocation complies with the West Sussex County Council Highways requirement for one space per two bedroom dwelling plus a single unallocated space.

Recommendation to **Permit** with Section 106 agreed.

The Committee took a short break.

141 **WH/17/03466/FUL - Land East of Claypit Lane, Adjacent to Rolls Royce Motor Cars, Maudlin, Westhampnett, West Sussex**

Information was reported on the agenda update sheet setting out amendment to the recommendation and conditions 4 and 9 and further comment from Highways England and the council's Environmental Health team.

The following member of the public addressed the Committee:

- Mr A Ball - Applicant

In response to members comments and questions Mr Bushell assured the Committee that if it were resolved to delegate the determination of the application to officers it would only be approved if the issues relating to noise and the impact on the A27 were satisfactorily resolved. With regard to car park barriers he confirmed that the entrance/exit of The March School car park and the Rolls Royce car park would be controlled to prevent unauthorised access. With reference to air pollution concerns, the council's Environmental Health Officer had raised no objection following a detailed air quality report submitted by the applicant which included appropriate mitigation measures.

With regard to landscaping concerns Mr Bushell explained that if the car park screening were to mirror the rest of the Rolls Royce site it would be suitable and effective. He agreed to amend the proposed landscaping condition to require tree planting between November and late February to ensure that the trees and plants were provided with the best opportunity to become established.

Recommendation to **Delegate decision to officers** to resolve outstanding issues relating to noise and A27 traffic impacts and then determine agreed.

142 **WW/17/03316/OUT - Merston Cottage, Chichester Road, West Wittering, PO20 8QF**

Information was reported on the agenda update sheet setting out amendment to the planning application number and addendum to condition 2.

The following member of the public addressed the Committee:

- Mr R Shrubbs - Objector

In response to members comments and questions Mr Whitty clarified that for a building to be ancillary use only it must have a functional connection to the associated house. With regard to concerns that the building could become a commercial let he advised condition 2 as stated on the update sheet could be amended to add 'for no commercial purposes' to limit the use. Mrs Stevens clarified that there are no separate bedrooms shown on the plans but a bathroom is proposed and it would be unreasonable to restrict the number of people permitted.

Mrs Kilby proposed that the officer recommendation to permit be agreed with 'for no commercial purposes' added to the end of condition 2. Mr Hayes seconded the proposal which was carried.

Recommendation to **Permit** agreed.

Mrs Kilby left the meeting.

143 **SDNP/16/03326/FUL - Garden of 1 Stone Pit Cottages, Marleycombe Road, Camelsdale, Linchmere, West Sussex**

The following members of the public addressed the Committee:

- Mrs S McCallum – Lynchmere Parish Council
- Mrs S Ord – Objector
- Mr D Keep – Objector
- Mr T Scrivens - Objector

In response to members comments and questions Mr Price confirmed that a section of the pathway is owned by the applicant with the remainder owned by a third party (who had been given appropriate notice by the applicant). He clarified that the application site covers an area across the back of 1 and 2 Stone Pit Cottages but neither property is a designated heritage asset.

With regard to surface water drainage concerns Mr Price set out condition 4 which outlines the drainage scheme and condition 7 which requires use of porous materials. The Committee discussed whether conditions 4 and 7 would be adequate for the water run-off from the site.

The Committee also discussed the location of the proposed dwelling within the National Park and the impact of its size and scale on neighbouring properties. The Committee agreed it would be difficult to reach a decision without viewing the site.

Mrs Tassell proposed that the application be deferred for a site visit to give the Committee opportunity to view the site in context with the neighbouring properties and address concerns relating to size, scale and drainage. Mr Dunn seconded the proposal which was carried.

Defer for a site visit.

The Committee took a lunch break.

144 **SDNP/17/05519/FUL and SDNP/17/05520/LIS - Foresters Arms, The Street, Graffham, Petworth, West Sussex, GU28 0QA**

The Chairman welcomed Mrs Pagano, Principal Conservation and Design Officer.

The following members of the public addressed the Committee:

- Mr J Uphill – Graffham Parish Council

- Mr P Bradley - Applicant

Mr Elliott was invited to share his reasons for issuing a red card.

In response to members comments and questions Mr Saunders highlighted (by the use of presentation slides) the current location of the functioning kitchen. He indicated the area adjacent to the kitchen that could be extended and explained that a further option would be to create a kitchen extension by amending the more modern lean-to which already houses the cooker and vent hood, and renovating this area instead. He clarified that the back of the building remained a highly significant feature of the Listed Building being a Georgian rear wing. It also has an important visual aspect being constructed of 18th-century "chequer-board" red and blue brickwork, which is highly visible to customers due to the location of the car park. He confirmed that a number of unauthorised works had taken place to the back wall which were subject to ongoing enforcement action.

Mrs Pagano clarified that the officers are supportive of the use of the building as a public house but emphasised the importance of advance consideration and negotiation to find the best location for the kitchen extension. She confirmed that a number of the unauthorised works especially the grit-blasting of the original 400-year old timber beams had caused irreversible damage to the buildings heritage. Also, old casements were removed without consent and replaced which did not match the remaining Georgian windows (with Lambs'-tongue glazing bars).

Mr Saunders explained that unauthorised works at first floor also need to be applied for and resolved in order to make sense of why floor-space and doors for the pub were blocked off recently without consent.

The Committee discussed the harm caused by the current proposal to extend from the rear Georgian wall and the need for a compromise to be reached to ensure the proposed new works will respect the Listed Building's features of special interest. Mrs Pagano explained that the owner should make good any unauthorised changes and submit amended plans, following further negotiation. If a revised plan is made this spring that avoids altering or harming sensitive features it is likely the case could be resolved and the pub could be reinstated for active use.

Mr Hayes proposed the application be deferred for negotiations to achieve a development that did not interfere with the rear historic Georgian wall (possibly by way of extension of the existing 20th century lean-to) and then delegated to officers for decision. This would allow for the applicant to address the committee's concerns without causing unnecessary delay through a refusal and necessary resubmission. Mr Plowman seconded the proposal which was carried.

Mrs Golding confirmed that Mr Elliott would be required to withdraw his red card. Mr Elliott agreed.

SDNP/17/05519/FUL

Defer for negotiations and then **delegate to officers**.

SDNP/17/05520/LIS

Defer for negotiations and then **delegate to officers**.

145 **SDNP/17/06386/CND - Land at Homes of Rest, Graffham Street, Graffham, Petworth, West Sussex, GU28 0NW**

The following member of the public addressed the Committee:

- Mr S Mcqueen – Graffham Parish Council

In response to members comments and questions Mr Price confirmed that the construction plan suggests that the development would take approximately 18 months to complete. He clarified that revision is required to condition 17 of planning permission SDNP/15/06327/CND to allow the developer access to the site and for existing occupants to access their properties.

Recommendation to **Permit** agreed.

146 **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.

147 **Consideration of any late items as follows:**

There were no late items.

The meeting ended at 3.14 pm

CHAIRMAN

Date:

Agenda Item 4

Chichester District Council

Planning Committee

Wednesday 18 April 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: Earnley	Ward: East Wittering
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E/17/02910/FUL

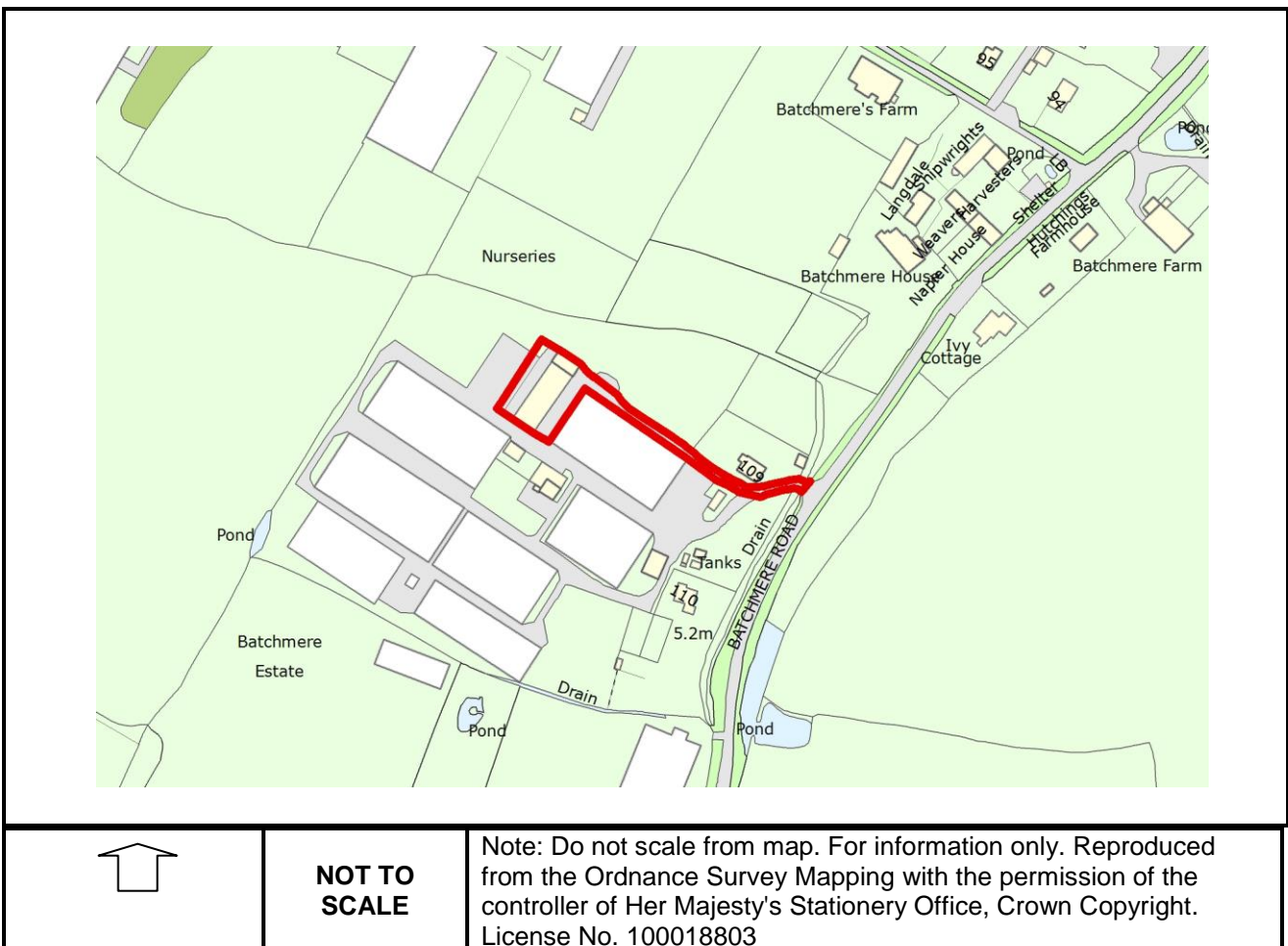
Proposal Proposed Change of Use of an existing agricultural building to 3 no. dwellinghouses (Use Class C3), and erection of pitched roof over flat roof lean-to part of building - Alternative to Part 3, Class Q Prior Approval E/17/01189/PA3Q.

Site Almodington Nurseries Batchmere Road Almodington Earnley PO20 7LG

Map Ref (E) 482664 (N) 98549

Applicant Mr C Wade (Almodington Nurseries Ltd)

RECOMMENDATION TO PERMIT WITH S106



1.0 Reason for Committee Referral

1.1 Parish objection and officer recommendation is to permit.

2.0 The Site and Surroundings

2.1 The building to which this application relates forms a part open sided barn located at the northern edge of Almodington Nurseries, which is an operational horticultural nursery business. The building is one of multiple buildings on the site, which include seven large glass houses, one of which lies adjacently to the east. The site lies to the west of Batchmere Road and is accessed by a private drive of approximately 130m in length. The drive runs along the northern edge of the site.

3.0 The Proposal

3.1 This application seeks planning permission for a change of use of the building from an agricultural barn to 3 no. dwellings (C3 Use Class) and a number of small physical alterations to the building, including a small roof addition at its northern end. The application is submitted following the grant of prior approval for the change of use of the building and associated works under application 17/01189/PA3Q.

3.2 The main differences between the approved scheme (prior approval) and the application scheme now proposed are:

- the incorporation of 3 x flue's projecting from the west facing rear roof pitch; and
- raising the roof of a lean-to roof element at the northern end of the building to create a pitched roof. This alteration would increase the roof of this part of the building by 1.05m (from 1.4m to 2.45m), which would remain 0.4m lower than the main roof line of the building.

4.0 History

15/01406/PA3Q	ARG106	Part 3 Class Q application for prior approval - change of use of agricultural building from agriculture to 3 no. dwellings (C3 Use Class).
17/01189/PA3Q	YESPAP	Proposed change of use from agricultural building to 3 no. dwellings (C3 Use Class).

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
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

Parish Council

- 6.1 Having reviewed this application again Earnley Parish Council would like to object to this application. Irrespective of the approved PA3Q application on this site. The submission of a full planning application represents overdevelopment and a proliferation of development in a rural area.

West Sussex County Council Highways

- 6.2 The proposal is to change the use of the existing agricultural buildings to create 3 dwellinghouses. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at either the junction with the public highway, onto Batchmere Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.
- 6.3 Taking into account the existing permitted nursery usage in terms of highway safety and level of activity of the site, it is unlikely that this proposal to change to C3 would have an adverse impact on the local highway network. The LHA would not wish to raise any highway capacity concerns to this application.
- 6.4 Parking and turning within the site is achievable and allows sufficient space in the open hard standing area for vehicles to park. And safely manoeuvre to exit onto Batchmere Road in a forward gear. The LHA advise a condition sealing cycle parking in order to promote sustainable travel in this location.
- 6.5 Based on the above considerations, the LHA raise no objections to the proposal subject to conditions.

CDC Environmental Health

- 6.6 No objection.

Third Party Comment

- 6.7 No public representations have been received.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Earnley 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 45: Development in the Countryside

Policy 49: Biodiversity

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

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection
Area

National Policy and Guidance

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

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

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

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

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and sections 5, 7 and 11 generally.

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

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

i) Principle of Development

8.2 The application site is located outside of the defined settlement boundaries and is within the open countryside where new development is usually restricted in accordance with policies 1 and 2 of the Chichester Local Plan (CLP), unless otherwise permitted within policies contained in the plan. The development plan seeks to ensure that new development is directed to the most sustainable locations. Although the site lies in a rural area where new dwellings are not usually permitted, regard must be had to the fallback position for the site, which is that the existing building could be converted to 3 residential properties under the prior approval which has been granted. The building is structurally sound and capable of conversion without significant alteration, and there is no reason to consider that the existing building could not be converted in situ to provide 3 dwellings on the site. The Parish Council has objected, stating that the proposal would represent overdevelopment of the site, but the fallback of the possibility that three dwellings could be created on the site in a very similar form is a material consideration that carries significant weight in this instance.

8.3 The prior approval granted for the dwellings on the site establishes the principle of the conversion of this building to 3 dwellings. As such it would be unreasonable to resist the application to change the use of the building despite the rural and relatively remote location of the site. Therefore the principle of the development is acceptable in this instance.

ii) Impact upon character of surrounding area

8.4 The proposed dwellings would be of the same footprint and overall scale to that of the existing building on the site, and the use of slate roof tiles and cedar boarding for the elevations would be in keeping with the local vernacular for rural buildings. The application site is screened from the public realm and wider area, with long ranging views being screened by hedgerows aligning the northern and western boundaries of the site and existing greenhouses lying to the east and south. The building is also in somewhat of a state of disrepair so it is considered that the proposed works would have a positive impact on the character and aesthetics of the locality, particularly as the only proposed addition is the raising of the roof of a small portion to a level that would remain subservient to, but more in keeping with, the main ridge line of the building. The proposal therefore complies with section 7 of the NPPF and policy 33 that requires new development to respect the character of the site and its surroundings.

iii) Impact upon amenity of neighbouring properties

8.5 The proposed dwelling would be sufficiently distanced from the closest neighbouring dwellings, which lie in excess of 160m to the north-east. These dwellings are not visible from the site and as such it is considered that there are no amenity concerns that would warrant refusal of the application. The proposal therefore accords with the requirements of policy 33 that establishes that new development should protect the amenities of neighbouring properties.

iv) Ecological Considerations

8.6 The application site falls within the zone of influence for the Chichester and Langstone Harbours and Pagham Harbour Special Protection Areas (SPAs). In accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 the applicant is required to fulfil the tests for derogations in Regulation 62. To mitigate against environmental impacts on these internationally important designations, the applicant is required to provide a signed S106 Unilateral Undertaking and make a financial contribution of £2,430.

8.7 With respect to protected species, an preliminary ecological assessment has been submitted which concludes that the site contains negligible ecological value, although there is potential to support a number of species of birds nest during the bird breeding season through incorporating a planting scheme of native shrub and flowering species known to encourage insect diversity. It is also recommended that bat roosting opportunities such as wall mounted bat shelters should be incorporated to the external fabric of the building to provide refuge close to known existing commuting routes.

8.8 It is therefore considered that subject to agreement of this undertaking and payment of contributions, as well as compliance with an ecological mitigation condition, the proposal complies with the provisions of Policies 50 and 51 of the CLP and the proposal would not have an adverse impact upon local habitats or the SPA's.

v) Highway Safety

8.9 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised use of the existing buildings, or its fall-back position should the building be converted to dwellings. It is therefore considered that the proposed development would not have a significant impact upon the highway network.

8.10 The proposed scheme includes 2 parking spaces to the front of each dwelling with room for turning so that vehicles could enter and exit in the same gear. The arrangements are identical to those approved as part of the prior approval application.

8.11 The local highway authority has raised no objection subject to conditions being attached to any condition requiring parking and turning provisions as well as cycle parking to be installed prior to first occupation. It is therefore considered that the parking provision and arrangement would be sufficient to serve the proposed dwelling and to ensure vehicles to enter and exit the site in a forward gear and that the proposed development would be afforded adequate and safe access arrangements. For the reasons stated, and subject to compliance with conditions, the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

vi) Drainage

8.12 Surface water run-off from the building will continue to be dealt with by the existing soakaways, and a foul sewage assessment has been submitted which states that waste will be discharged to a package treatment plant, the size of which should be agreed through a pre-commencement condition. Having regard to the location of the site, in excess of 160m of a mains sewage pipe, it is acceptable to seek to manage waste through this method.

8.13 Subject to compliance with conditions, the proposal is deemed to be acceptable in terms of drainage.

Conclusion

8.14 Based on the above it is considered that the prior approval which has been granted to convert the existing building from an agricultural use to 3 residential dwellings represents a fall-back position for the site, which is a material consideration that carries weight. Given this, the site could be developed to provide 3 dwellings on the site without further permission from the Council. The alterations to the development compared to the previously approved scheme are minimal and are considered to be acceptable in respect of their impact upon the character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology and therefore the proposal complies with development plan policies 1, 2, 33, 39, 49, 50 and 51 in addition to the NPPF and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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: 1, 2, 6, CDC/10/15-5A

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

- 3) 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.

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

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

- 5) **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.

- 6) 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.

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

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

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

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

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

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

- 10) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the 'Enhancement Opportunities' section of the submitted Preliminary Ecological Appraisal produced by The Ecology Co-op.

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

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 Fjola Stevens

Agenda Item 6

Parish: Chichester	Ward: Chichester South
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CC/18/00219/DOM

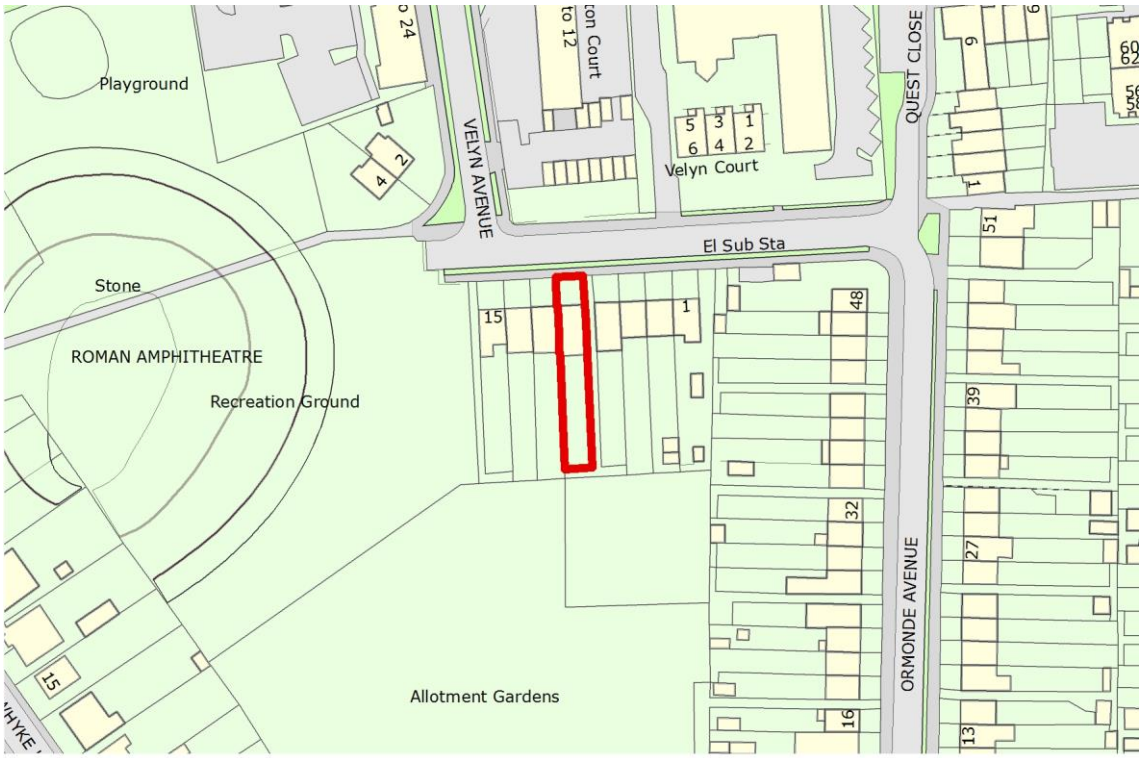
Proposal Hip to gable east side roof enlargement, 1 no. rear dormer, 3 no. front rooflights and 1 no. east side rooflight to create an additional bedroom and associated ensuite in the loft space and internal alterations.


Site 9 Velyn Avenue Chichester PO19 7UP

Map Ref (E) 486736 (N) 104659

Applicant Mr S Kirk

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

Applicant is a spouse of an employee of Chichester District Council.

2.0 The Site and Surroundings

- 2.1 The application property is a two storey end of terrace residential dwelling located on the south side of Velyn Avenue, Chichester and situated within the settlement boundary of Chichester. The application property is constructed of brickwork, clay roof tiles and UPVC windows. The property extends further to the rear than the other dwellings within the terrace due to the existing two storey rear extension. To the front of the property is a driveway with a low brick wall to the east boundary and hedging/shrubs to the west boundary. To the rear is a patio and the garden is laid to lawn. There is an approx. 1.8m brick wall to the rear west boundary. To the rear east boundary there is an approx. 1.8m brick wall the length of the patio and an approx. 1m brick wall with a timber trellis bringing the overall height to approx. 1.8m along the remainder of the boundary.
- 2.2 The site falls outside of the Chichester Conservation Area which is to the west of the application site. The area is residential in nature, on the south side of Velyn Avenue are two sets of terrace houses with each set comprising 4 no. two storey dwellings. The application property is located within the terrace to the west and is the last dwelling on the east end. The neighbouring property to the west of the application property has 2 no. rooflights on the front elevation and a flat roofed dormer with 2 no. windows on the rear elevation. The neighbouring property to the east extends to the rear to the same length as the application property and is separated from the application property by a path that leads to the rear gardens of both properties. To the north of the application site are some private car parking spaces, to the south are allotments. To the west of the row of terraces is a recreation ground which is within the Chichester Conservation Area.

3.0 The Proposal

- 3.1 The application proposes a hip to gable east side roof enlargement, 1 no. rear dormer, 3 no. front rooflights and 1 no. east side rooflight to create an additional bedroom and associated ensuite in the loft space, including internal alterations. The existing loft space is currently used as a study with storage room to the rear. There is 1 no. rooflight in the rear elevation which serves the study. The roof of the existing two storey rear extension is hipped as is the roof of the original dwelling. The proposed enlargement to the east side of the roof and the rear dormer would increase the size of the floorspace which would be used as a bedroom with ensuite and 2 no. storage spaces.
- 3.2 The proposed hip to gable enlargement to the roof would be constructed of brickwork and clay roof tiles to match the existing dwelling. The proposed windows would be double glazed and light grey powder coated aluminium framed. The proposed rear dormer would have a flat roof constructed of single ply membrane and the walls would be constructed of Kebony Clear shiplap timber cladding which would be laid horizontally. Over time the cladding would develop from a deep brown in colour to a natural grey.

4.0 History

98/01679/DOM

PER

Upper storey to be built onto existing rear ground floor extension.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO (Adjacent)
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**

Chichester City Council

- 6.1 'Objection. The development would harm the character and amenity of the area and would result in loss of symmetry to the terrace.'

Third Party Comment

- 6.2 No third party comments received

7.0 **Planning Policy**

The Development Plan

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development
Policy 47: Heritage

National Policy and Guidance

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

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

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

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), and section 7 in general relating to the requirement for good design.

Other Local Policy and Guidance

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

Chichester District Council's Planning Guidance Note 3, Design Guideline for Alterations to dwellings and extensions (revised September 2009 (PGN3).

Chichester Conservation Area Character Appraisal

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Design and Impact upon Visual Amenity/Character of Area
- iii) Impact upon Heritage Assets
- iv) Impact upon the amenity of neighbouring properties
- v) Flood Risk

Assessment

- i) Principle of Development

8.2 The application site falls within the Chichester settlement boundary area where residential development is considered acceptable in principle, subject to relevant material considerations.

- ii) Design and Impact upon Visual Amenity/Character of Area

- 8.3 Policy 33 requires that development proposals respect or enhance the character of the site and surrounding area with regards to proportion, form, massing, siting, layout, density, height, size, scale and detailed design.
- 8.4 The application originally proposed a side dormer instead of the hip to gable roof enlargement. Following concerns raised regarding the impact on the visual amenity, the loss of symmetry to the terrace and the dominance the dormer would have on the front elevation, amendments were made. A hip to gable enlargement is now proposed, whilst it would not be subservient to the application property this alternative is preferable given the existence of other gable ends in the wider locality, and it also avoids an awkward transition with the raised eaves height relative to the neighbouring terrace. As the enlargement would be constructed of materials to match the existing property this would help it to blend in with the property and therefore within the street scene. In order for the proposed works to not have a negative effect on the visual amenity it would be conditioned that the enlargement be constructed of the materials as specified within the submitted application.
- 8.5 The rear dormer was originally proposed to be constructed from steel cladding. Following concerns raised about the visual impact it would cause particularly when viewed from the recreation ground to the west of the application site which is within the Chichester Conservation Area, timber cladding is now proposed for the rear dormer. The dormer has also been set down from the ridge of the rear projection so that it is subservient to the existing ridge line.
- 8.6 Following amendments made to the design of the proposed roof enlargement and to the design and materials of the rear dormer, it is now considered that the proposed works would not have a negative impact on the visual amenities of the application property and the street scene. The overall proposal with regard to design, massing, bulk and siting satisfies Policy 33 of the Chichester Local Plan and Paragraphs 7 and 11 of the National Planning Policy Framework.

iii) Impact upon Heritage Assets

- 8.7 Policy 47 of the Chichester Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets.
- 8.8 Although the application site is outside of the Chichester Conservation Area the designation covers the recreation ground approx. 18m to the west of the application site and the rear and west side elevations are visible across the recreation ground; consideration should therefore be given to the impact of the proposed works on the neighbouring Conservation Area.
- 8.9 2 The existing two storey rear extension is stepped back from the neighbouring property to the west by 0.5m and extends from the original rear elevation of the application property by 3m, therefore due to the existing extension the property is more visible across the recreation ground. The neighbouring property to the west has a rear dormer which extends from it's roof by a maximum of 2.1m. The proposed rear dormer would extend by a maximum of 2.9m so would extend beyond the neighbouring rear dormer by 0.8m therefore the proposed dormer would also be clearly visible from the recreation ground.

8.10 Steel cladding was originally proposed for the walls of the proposed dormer which would have been orange/brown in colour. Steel cladding would not be appropriate for the rear dormer given the views of the rear roof slope from the public realm as it would have a detrimental impact on the character of the area. Following concerns raised by officers, Kebony shiplap timber cladding is now proposed, which is a modified timber product that weathers in time from a dark brown to a natural grey colour. This type of cladding is more appropriate and as the proposed dormer has been set down from the ridge of the rear projection, the dormer is now subservient to the existing ridge line and would not have a detrimental impact of the visual amenities particularly when viewed from the Conservation Area.

8.11 The proposal would not be considered to represent an incongruous or negative form of development and would not constitute harm to the special quality or character of the Chichester Conservation Area therefore it satisfies Policy 47 of the Chichester Local Plan.

iv) Impact upon the amenity of neighbouring properties

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

8.13 The neighbouring property to the east has a narrow window on the first floor west side elevation towards the rear of the dwelling which appears to be serving the hallway. Whilst the proposed hip to gable enlargement would increase the bulk along the boundary, given the position of the neighbouring window (which appears to serve a hallway) off set from the proposed development, the proposed alterations would not have an adverse impact on the amenities of the neighbouring property afforded by that window, with regard to overshadowing of or outlook from within. A rooflight is proposed in the east side elevation which would serve the proposed bedroom, due to it's proposed siting it would not significantly increase the risk of overlooking.

8.14 The neighbouring property to the west has a rear dormer, set back from the boundary with the application property by 0.5m. The nearest window on the neighbouring dormer, which serves a bedroom, is inset 0.4m from the side of the dormer. The proposed dormer would be set back 0.45m from the boundary with the neighbouring property and would be lower than the ridge of the rear projection. Although the proposed dormer would extend from the rear main roof slope by 0.8m more than the neighbouring dormer, due to it's siting, height and the separation distance between the proposed dormer and the nearest window on the neighbouring dormer the relationship between the two would be acceptable.

8.15 The existing rear rooflight would be replaced by the dormer window. The window would be narrow and of a similar height to the dormer windows of the neighbouring property to the west. Although the proposed dormer would increase the level of overlooking to that property, due to the size and siting of the window it would not have a significant detrimental impact on the amenities of the neighbouring property.

v) Flood Risk

8.16 Part of the application site is within Flood Zones 2 and 3, however the dwelling itself is outside of the designated areas and therefore the property would not be at significant risk of flooding.

Conclusion

8.17 Based on the above assessment it is considered the proposal complies with the Chichester Local Plan Key Policies; with particular reference to Policy 33, and there are no material considerations that indicate otherwise.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: C0106-P111, C0106-P113 A, C0106-P112 A, C0106-P214 A, C0106-P001, C0106-P213A, C0106-P212 A and C0106-P211 A

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

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form, plans and email dated 26th March 2018 unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

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

For further information on this application please contact Vicki Baker

Parish: Chichester	Ward: Chichester East
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CC/18/00053/DOM

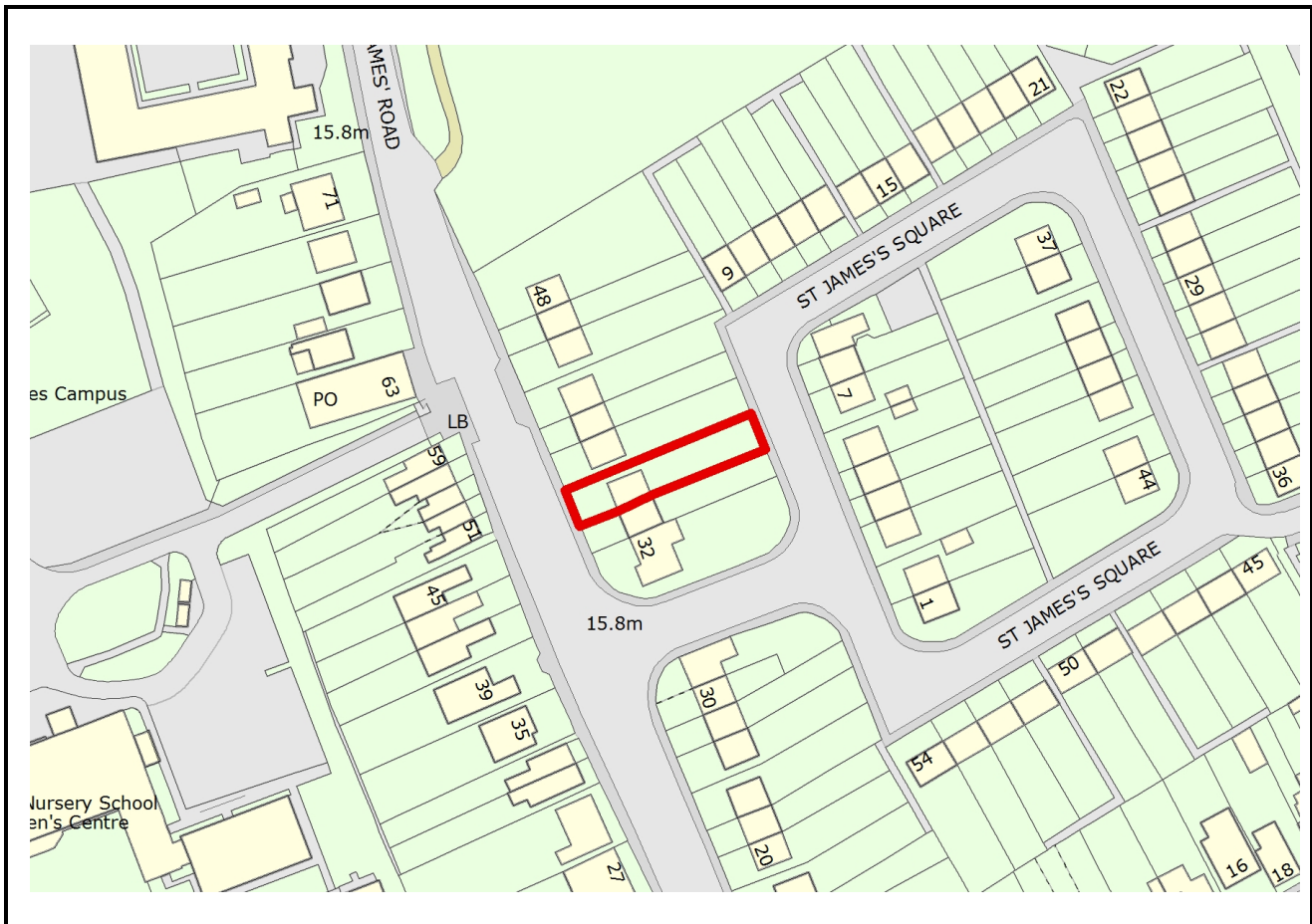
Proposal Two storey side extension and loft conversion with rear dormer window.


Site 36 St James Road Chichester West Sussex PO19 7HT

Map Ref (E) 487244 (N) 105079

Applicant Mrs Sylvia May

RECOMMENDATION TO



	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 Applicant is an employee of Chichester District Council.

2.0 The Site and Surroundings

2.1 The application site falls within the Chichester settlement boundary and lies to the north, outside of the newly extended Chichester Conservation Area. The property is a two-storey end of terrace dwelling with white upvc fenestration, constructed from facing brickwork at ground floor level, incorporating a bay window with a tiled roof, and rendered white at first floor level with decorative black detailing.

2.2 To the rear of the site is an existing decked area, surrounded by some vegetation and to the rear of this is a long garden bound by close board fencing. To the northern boundary there is a combination of close boarded fencing to the rear garden and a low level fence to the northern frontage of the site.

2.3 Properties within the streetscape vary in appearance, however there is some uniformity. The property to the south of the site (no.34) projects slightly further than the attached two neighbouring properties (the application site and no.32). This has a projecting porch with a pitched roof. The property to the north of the site (no.38) is similar in appearance to this. Properties opposite the application site vary in terms of size, mass and external appearance, comprising of; detached, semi-detached and terrace dwellings, with brickwork, hanging tiles and flint work used throughout.

3.0 The Proposal

3.1 Two storey side extension and loft conversion with rear dormer window.

3.2 The two storey side extension would extend the property 1.7m towards the northern boundary and would be 7.4m in height. The proposed materials would comprise of; brickwork, slate, and white upvc fenestration which would match the host dwelling.

3.3 The rear dormer is located on the rear roofslope of the existing and two-storey extension of the dwelling. It would measure 6.3m in length, 2.1m in height and 3m in depth, resulting in a total volume of 20m³

4.0 History

03/00022/DOM	PER	Formation of vehicular access to St James Road.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO

EA Flood Zone
- Flood Zone 2 Yes
- Flood Zone 3 No
Historic Parks and No
Gardens

6.0 Representations and Consultations

Parish Council

6.1 None received

Chichester Society

6.2 Committee requests refusal - the two storey side extension to the boundary would create a terrace infill and the large box dormer would disfigure the rear of the property.

7.0 Planning Policy

The Development Plan

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 10: Chichester City Development Principles

Policy 33: New Residential Development

National Policy and Guidance

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

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

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

- Approving development proposals that accord with the development plan without delay; and

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

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

Other Local Policy and Guidance

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

Chichester District Council's Planning Guidance Note 3, Design Guideline for Alterations to dwellings and extensions (revised September 2009 (PGN3).

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:

- Principle of Development
- Design and Impact upon Visual Amenity/ Character of Area
- Impact upon the amenity of neighbouring properties

Assessment

- Principle of Development

8.2 The application site falls within the Chichester settlement boundary area where residential development is considered acceptable in principle, subject to relevant material considerations.

- Design and Impact upon Visual Amenity/ Character of Area

8.3 Policy 33 of the Chichester Local Plan requires that residential development respect and where possible enhance the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting, layout, density, size, scale, neighbouring amenity and design

8.4 The proposed dormer would be set in from the width of the house so that it would sit subserviently in the middle of the roof slope and would measure 6.3m in length, 2.1m in height and 3m in depth, resulting in a total volume of 20m³. Located within the dormer would be 2 no. windows, which would facilitate 1 no. bedroom and 1 no. bathroom. Whilst large, the proposed dormer is set 1 metre back from the wall pate of the rear elevation and would not appear incongruous within wider views and would largely be permitted development (apart from the element that would form part of the proposed side extension).

- 8.5 During the course of the application comments have also been received that raise concern in relation to the side extension; that it would result in a terracing effect. However, a distance of 2 metres would remain between the north elevation of the proposal and the existing south elevation of the neighbouring property, no. 38. In addition, the two pairs of semi-detached properties are staggered which would increase their sense of separation.
- 8.6 There are also alterations proposed to the principle elevation comprising; 2 no. roof lights and a new storm porch. The proposed roof lights would be located towards to ridge of the roof and would measure 1m in length and 0.6m in height, they would be flush within the roof slope and are as such considered acceptable. The proposed porch would be constructed with a similar design to that of the roof of the bay window and would therefore be in-keeping, as such would be acceptable.
- 8.7 The proposal is therefore considered to be in line with Policy 33 and given that there are other examples within the streetscape, there would not be a harmful impact upon the visual amenity or character of the area. It is also considered that the design would be of a high quality and therefore be acceptable.

iii) Impact upon the amenity of neighbouring properties

- 8.8 There would be some impact on the property to the north of the site (no. 38) as a result of this proposal, due to the proposed two-storey extension which would extend 1.7m towards this neighbouring property. Whilst there is 1 no. window at first floor level located on the neighbouring property, there are no windows proposed on the north elevation of the proposed two storey extension therefore there would be no concern with regards to overlooking, or loss of privacy. There would be no adverse impact upon this neighbouring amenity and as such the proposal is acceptable.
- 8.9 The proposal would have little impact upon the neighbouring property to the south due to the main location of the proposal on the north elevation. The rear dormer would facilitate 1 no. bedroom and 1 no. bathroom, neither window would result in undue overlooking upon the occupier of either neighbouring property and is therefore considered acceptable.
- 8.10 The proposed two storey extension and rear dormer would be visible to the wider surrounding area. Due to the diversity of properties along the east and west sides of St James Road, the proposal is not considered to have a detrimental impact upon the streetscene. There would be some impact on the properties to the rear, located within St James Square, as a result of the rear dormer window, however it is considered that they are located a sufficient distance away so that the proposal would not have an significant impact upon these amenities.

Conclusion

- 8.11 Based on the above assessment it is considered the proposal complies with the Chichester Local Plan Key Policies; with particular reference to Policy 33, and there are no material considerations that indicate otherwise.

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

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

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

INFORMATIVES

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

For further information on this application please contact Summer Sharpe on 01243 534734

Parish: Chichester	Ward: Chichester West
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CC/17/03117/FUL

Proposal Erection of 25 no. dwellings with the associated vehicular and pedestrian access, parking and secure cycle storage, landscaping and open space.

Site Land West Of Frederick Road Chichester West Sussex

Map Ref (E) 484169 (N) 105019

Applicant Crayfern Homes

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT

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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The site is an irregular shaped parcel of land to the very west of the Parish of Chichester City. It is situated to the east of the boundary of the A27 carriageway and to the north of the railway line and south of Clay Lane. Topographically the site is flat and is currently unused, previously having been used for agriculture and as a paddock. The site lies outside the settlement boundary for Chichester City, which begins south of the railway line, approximately 34m from the south east corner of the site. It comprises an area of 1.1 hectares.
- 2.2 The A27 is in an elevated position, relative to the site, and the boundary between the two is characterised by steep vegetated banks and significant foliage. The boundary with the railway line is also characterised by established hedgerow and trees. A single line of mixed maple trees front the site onto Clay Lane; access is currently provided through a field-gate. Overall, the site is well screened.
- 2.3 To the east of the application site is Frederick Road, a residential cul-de-sac characterised by predominantly 2 storey, 20th century housing. Around 100m to the east of the application site is the southern boundary of the West of Chichester Strategic Development Location. To the north of the site and on the opposite side of Clay Lane, is an industrial unit currently occupied by a marine retail store, "C and J Marine". There are also large detached dwellings to the north east of the site, the two closest are Grade II listed.
- 2.4 The site can be accessed via Clay Lane from Fishbourne, which lies approximately 300m to the west of the site. Access is also available from Chichester via Fishbourne Road (East) and Cathedral Way (A259). There are bus stops, both north and south of Clay Lane, approximately 50m from the site.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the erection of 25 new dwellings, vehicle and pedestrian access, parking, open space and landscaping. Seven affordable units are proposed. The application proposes a mix of detached and semi-detached dwellings and maisonettes/flats. In total 16 flats and maisonettes are proposed, along with 9 houses.
- 3.2 A new vehicle access point is proposed and the existing field gate entrance closed. There is currently no pedestrian footway connecting the site to the existing footway, which terminates on the north east corner of the site. This application proposes an extension to the footpath and its continuation into the site. A spine road would run through the site (following the route of an existing gas main) from south east to north-west. A total of 53 parking spaces are proposed on site, both on and off plots, including 5 garage spaces and 5 car port spaces.
- 3.3 The application proposes 9 houses, 6 of which would have their principle elevation fronting Clay Lane. A further detached dwelling and semi-detached pair would be located adjacent to the eastern boundary of the site. These houses are proposed to be a mix of chalet bungalows and two storey dwellings, with a maximum ridge height of 7.5m for the chalet bungalows and 8.5m for the semi-detached dwellings.

3.4 To the south west and south of the site, two blocks of flats are proposed, which would both be shaped in an 'L' form. Each block would have 7 flat/apartments and would be 2 storeys (9.5m high) for the most part with the corner features increasing to two and half storeys (11m high); inclusive of a second bedroom within the roof space. 3 further houses would be located centrally within the site.

The following housing mix is proposed:-

- 1 bed flat x 4 (1 x Intermediate)
- 2 bed flat x 11 (3 x affordable rent and 1 x intermediate)
- 3 bed flat x 1
- 3 bed house x 6 (2 x affordable rent)
- 4 bed house x 3

3.5 To the south west of the site, adjacent to the railway line, is the proposed shared car parking for the flat/apartment blocks. All other car parking is proposed on plot or within garages/ car ports.

3.6 A balancing pond is proposed to the north west of the site, together with additional landscaping. The open space proposed would be located in front of the flats, in the centre of the site.

4.0 History

16/02746/FUL	WDN	Erection of 33 no. dwellings, vehicular and pedestrian access, parking and secure cycle storage, landscaping and open space.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Countryside	YES
AONB	NO
Tree Preservation Order	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Chichester Harbour SPA	YES
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

Objection on the grounds that the development would be contrary to the principle of sustainable development and to policies 2 and 33 of the Local Plan. The amenity of the residents of the proposed blocks of flats would be unacceptably affected by noise and pollution. The design and appearance of the buildings would be harmful to the rural character of the area.

6.2 Environment Agency

Revised comment

Following receipt of an amended planning application form and confirmation that the proposed development will connect to a mains foul drainage system, we are able to remove our previous objection. We have no objection to the above proposal.

The site is located within the catchment of Apuldram Wastewater Treatment Works. We wrote to you in September 2013 advising of the withdrawal of our Position Statement. The UV treatment on the storm overflow at the Wastewater Treatment Works is now operational.

Please note that there is a finite capacity at Apuldram Wastewater Treatment Works. Once this is reached, it is likely that we will reinstate our previous position statement. We recommend that you speak with your own colleagues in the Planning Policy team to ensure that this development fits with your own Wastewater Position Statement.

Original Comment

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal. We recommend that the application should be refused on this basis.

6.3 Southern Water

Further to our correspondence dated the 2nd January 2018 please find our current stance on the above development site.

The application details indicate that the proposed foul flow is to be discharged into the public sewerage network which drains to Apuldram Wastewater Treatment Works (WWTW).

Due to environmental sensitivity of Chichester Harbour, the Environment Agency has capped the volume of the effluent discharged from Chichester (Apuldram) WWTW to levels in the existing environmental permit. This means that there is limited capacity remaining to serve new developments.

The local planning authority will decide how the remaining wastewater treatment capacity is allocated to new developments that drain to this particular waste water treatment works, via the development control/planning process.

A formal application for connection to the public sewerage system is required in order to service this development.

6.4 Highways England

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

Highways England offers no objection to the proposals on highways traffic impact grounds, provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations, in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. In view of the likely impacts on the nearest A27 junction, which is the Fishbourne Roundabout, a contribution in line with the Chichester City strategic development zone would appear to be the most appropriate.

Accordingly, the proposed development should make a contribution of 25 x £2,615, which equates to £65,375.

However, Highways England recommends the imposition of conditions on highway asset protection grounds, on the basis that the site lies adjacent to the A27 Trunk Road and hence conditions should be imposed to ensure that highways assets are not placed at risk either during construction, nor subsequently in perpetuity

6.5 WSCC Highways

In the immediate vicinity of the proposed site access arrangement, Clay Lane is subject to a derestricted speed limit. Approximately 50 metres to the east of the site, it becomes a 30mph limit. The proposals are supported by way of a Transport Statement (TS) including TRICS (Trip Rate Information Computer System) data, a speed survey and Stage 1 Road Safety Audit (RSA).

Access and Visibility

The access should be designed to meet current standards with a bellmouth style access and a 6 metre width and with kerb radii of 8 metres provided.

Manual for Streets (MfS2) parameters have been used to provide visibility splays of 92 metres to the east and 86 metres to the west. The approach provided on visibility is accepted and the splays provided are considered to be in accordance with MfS2 parameters.

The proposed access arrangements have been subject to a Stage 1 Road Safety Audit (RSA). The Auditor has advised that the hedgerow is cut back to maintain the visibility at an appropriate level at all times. A review of the proposed point of access onto Clay Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Accessibility and Sustainability

The existing footway on Clay Lane currently terminates to the west of Frederick Close. At present it is proposed that a 1.8m-wide footway will connect with a footway adjacent to the proposed vehicular access into the site. Street lighting exists on the existing footway; therefore this should also be extended to the new link .

The site is within close proximity to a range of facilities that are accessible within reasonable walking and cycling distance. By foot there are two bus stops to the south of the site onto Frederick Road which link into Chichester town centre. Clay Lane itself is recognised as an on road cycle route between Salthill Road and Fishbourne Road East, both of which are also classified as on-road cycle routes and forming part of National Cycle Network Route 2 (NCN2).

Trip Generation

The applicant has used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. The data provided establishes that the proposed residential development will generate 5 two-way vehicular trips during the AM peak hour, and some 5 two-way vehicular trips during the PM peak hour. This equates to approximately 1 additional vehicle trip every three minutes. The LHA are satisfied that the proposals would not have a 'Severe' residual impact in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF).

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Clay Lane. A comprehensive construction management plan would be sought through condition should permission be granted.

Layout and Parking

From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands, however clarity should be provided with print outs from the PDC. There are sufficient turning heads for cars to turn within the site, refuse collection will also take place from within the site. Swept path diagrams have been provided which demonstrate that a refuse vehicle can safely turn within the site and exit in the forward gear.

Conclusion

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

In the event that planning consent is granted, the following conditions are recommended:-

- Access
- A Construction Management Plan
- Visibility
- Section 106 Contributions

Informatives:
S278 Works
Gateway Feature

6.6 WSCC Flood Risk Management

Modelled surface water flood risk: Low.

Modelled ground water flood risk susceptibility: High.

Records of any flooding of the site: No.

Ordinary watercourses nearby: Yes- lies to the west of the proposed site. Works affecting the flow of an ordinary watercourse will require consent and an appropriate development - free buffer zone should be incorporated into the design of the development.

6.7 CDC Planning Policy

Further comment

I have reviewed the previous planning policy response to your consultation on this planning application and would like to update that consultation response.

The first sentence should more accurately state, 'The site is not required to meet the Chichester housing allocation.....'

The second sentence of the third paragraph should be deleted. This goes beyond the remit for a normal scope of a response to a consultation on policy issues, particularly as there is no comment on any of the potential material considerations. In formulating your recommendation I would advise that you take the following material considerations in to account:

- Whilst the Council can demonstrate a 5 year housing land supply (HLS), this is at 5.3 years and therefore to ensure that the Council can continue to demonstrate a robust 5 year HLS, there are clear benefits in allowing development on this site.
- It appears as though there would be no loss of open countryside and the site is relatively well contained within the landscape.

- The site is located adjacent to the settlement that, according to the settlement hierarchy set out in the Local Plan, is the most sustainable place for development.
- The site is not of a sufficient scale where there would be significant implications for the provision of infrastructure or prejudice to plan-making that will be undertaken through the Local Plan Review.

Foul capacity at Apuldram WwTW

The Apuldram Wastewater Treatment Works (WwTW) is subject to environmental constraints which restrict its capacity to accommodate future development, therefore development in the Apuldram catchment needs to consider whether there is sufficient infrastructure available to convey, manage, treat and discharge the wastewater that will be produced.

The Headroom tables for Apuldram WwTW indicate that, as of February 2018, there is currently a capacity of 75 dwellings remaining.

Original Comment

The site does not form part of the Chichester parish allocation and lies outside the defined Settlement Boundary. The Council has recently published an updated 5-year housing land supply position for the 2018-23 period dated 1 December 2017 which shows a surplus of +175 net dwellings (5.3 years supply). Since 1 December 2017, a further 17 dwellings have gained planning permission or Planning Committee resolution to permit, bringing the surplus to +192 net dwellings (still equivalent to 5.3 years supply). I attach an updated 5YHLS position statement.

Local Plan Policy 5 sets a parish requirement of 235 dwellings for Chichester City. However this requirement is already being met on other sites in and around the City that have already gained planning permission (17 dwellings already completed and 228 dwellings under construction or with planning permission giving a total of 245 dwellings already provided for).

As the site lies outside the Settlement Boundary and the application does not relate to development requiring a countryside location, there is a conflict with LP Policies 2 and 45. Therefore, the application should be refused unless there are any clear material considerations sufficient to outweigh Local Plan policy.

6.8 CDC Environmental Health Officer

Further Comment

Further to our previous response submitted in December 2017, a construction dust assessment has been submitted produced by Air Quality Consultants and dated January 2018. The assessment methodology has followed the guidance produced by the Institute of Air Quality Management (IAQM) 2016.

The report outlines a number of mitigation measures that should be put in place and concludes that with these measures adopted, the impacts of the construction phase should be not significant. We agree with the conclusions presented and recommend that the mitigation measures specified in Appendix A3 of the report are put in place. A condition should be applied to ensure that the measures suggested (pages 26 - 28) are actioned ie a Dust Management Plan should be submitted and applied during the works (if planning permission is approved).

Noise

A noise impact and vibration assessment has been undertaken with measurement points along the southern edge of the development closest to the railway, along the western edge of the development closest to the A27 Highway, and finally along the northern edge of the site with Clay Lane In addition, a vibration monitor was installed close to the southern edge of the site with the railway.

Internal levels have been calculated with windows closed and it is expected that an alternative means of providing background ventilation will be required.

The sound reduction of the windows should be met with any proposed trickle vents installed and open.

There is a presumption that occupants can choose to open windows if they require additional purge ventilation. Whilst it is desirable to achieve internal design levels without the need to completely close windows it is accepted that there may be an exceedance of the noise criteria for habitable rooms within BS 8233-2014 - Guidance on sound insulation and noise reduction for buildings during the day and night if windows are left open. For this reason, there should be further consideration for noise exposure with the layout of habitable rooms in the apartment blocks such that a direct view of habitable rooms is orientated away from the A27 Highway.

The results of the vibration assessment demonstrate no significant impact on residential properties located nearby.

I do not wish to object to this application but consider that the prevailing acoustic environment ought to be taken into consideration and appropriate adaptation made to the development to protect the future occupiers should permission be granted.

Recommended conditions to include:

- The windows within facades of the apartment block buildings with a direct view of the A27 shall be constructed so as to provide sound insulation against externally generated noise of not less than 28 dB(A), with windows shut and other means of ventilation provided.
- Further consideration to acoustic insulation must be provided in writing and subject to approval by the local planning authority if it is intended to provide openings within the gable ends of the apartment blocks.

- The windows within facades of the apartment block building with a direct view of the railway shall be constructed so as to provide sound insulation against externally generated noise of not less than 26 dB(A), with windows shut and other means of ventilation provided.
- The windows within facades of all other buildings on the application site shall be constructed so as to provide sound insulation against externally generated noise of not less than 21 dB(A), with windows shut and other means of ventilation provided. A scheme of validation should be provided upon completion.
- Site specific Construction Environmental Management Plan.
- Specific Construction Hours.

Original Comment

A phase II ground investigation report has been submitted with the application and identifies one area where levels were exceeded for lead at depth of 0.5m. A formal remediation strategy is required and can be controlled by condition. Condition recommended.

An air quality assessment has been provided with the application. The report concludes that the worst case scenario at the proposed properties would be 30ug/m³ of harmful emissions.

We agree with the conclusions of the report with respect to estimating the concentrations of NO₂ at the site (based on the location of the proposed nearest property). The report estimates that the annual PM₁₀ and PM_{2.5} concentrations at the development are expected to be below the objectives at all receptors based on the monitoring undertaken by CDC

It is recommended secure cycle parking and electric vehicle re-charging points are incorporated into the proposal. Traffic flows in (Environmental Health terms) would be below the threshold of 500 annual average daily traffic movements and therefore detailed modelling is not required.

No assessment on the impacts during construction have been provided.

6.9 CDC Housing Enabling Officer

The proposals are to provide 25 units, 30% of which (7.8units) should be affordable housing required by planning policy.

Market housing

There are three too many 1 and 2 bedroom units to strictly comply with the SHMA. However, as this is a constrained site close to the city centre and as small units are in demand as they are more affordable to many first time buyers and downsizers, I would not object in this particular case.

Affordable Housing

Because of the small number of units, it will be difficult to get an exact mix and the proposals are, therefore, acceptable. A commuted sum of 0.8 a unit will be required as set out in the Planning Obligations and Affordable Housing SPG.

The layout has a mixed block of tenures, but these have separate entrances and communal areas and registered providers have indicated that, although not ideal, they would be willing to take these units.

6.10 CDC Archaeology Officer

This is an area of such archaeological potential that it should be evaluated by trial trenching ahead of development in order to identify any structures or deposits of such importance that they would merit preservation, either in-situ or through full archaeological investigation.

Condition recommended.

6.11 CDC Drainage Engineer

Flood risk : the site is wholly within flood zone 1 (low risk) and we have no knowledge of the site flooding.

Surface Water Drainage: The proposed means of surface water drainage is an attenuated system with a restricted discharge to a local culverted watercourse. Attenuation will be provided in the form of permeable paving and a basin, designed to accommodate the 1 in 100yr event +40% with a restricted discharge of 2 l/s. This approach is acceptable in principle because of high groundwater levels

Conditions recommended.

6.12 CDC Environmental Strategy Officer

The hedgerows and treelines on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. We are satisfied the mitigation proposed within the Mitigation and Enhancement Statement (Aug 2017) will satisfy this requirement and for this to be conditioned.

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

Reptiles: The reptile survey has shown that there is a small population of reptiles onsite. Due to this mitigation has been proposed within the Mitigation and Enhancement Statement (Aug 2017) and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile translocation has taken place.

Badgers: Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

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.

Recreational Disturbance: Financial contribution required to the Solent Disturbance and Mitigation Project Phase 3 report and Natural England's letter of the 31 May 2013 (below) avoidance measures will need to be secured. (£181 per dwelling)

6.13 CDC Conservation and Design Manager

The application site lies well north of the Fishbourne Conservation Area (which is a designated heritage asset). However, there are two listed buildings on the opposite side of Clay Lane from the development proposed. They are Mead House and Applegarth. Overall, there would appear to be no negative impact of the housing onto the only two Listed Buildings nearby on this section of Clay Lane.

The houses proposed onto Clay Lane, while spaced closely together, are generally of a traditional design and faced either in flint with red-brick 'dressings', or facing brickwork, or horizontal weather-boarding. Overall, the height, bulk, and scale of the new Clay Lane houses matches that of the surrounding mid-20th-C. residential housing, so would not stand out.

The new housing would continue the form of existing development further south-east along Clay Lane and, therefore, would not detract from the setting of Mead House and Applegarth. In any case, these listed Georgian houses are well set back and separated from each other by the Lane, itself.

There are no objections raised to the proposed housing on Clay Lane because this would not detract from the setting of the two Listed houses opposite, and the site falls well north of the Fishbourne Conservation Area.

6.14 CDC Waste Services Officer

Provision of bins: Each dwelling house would require one waste and one recycling bin. In respect of the flats two waste bins and two recycling bins per block are proposed, and these are more than sufficient.

Site layout: please refer to the CDC freighter dimensions. All surfaces should be constructed in a material suitably strong enough to take the freighter weight. Parking restrictions should be put in place to prevent the freighter manoeuvring.

Bin collection points: collection should be in front of the property.

Communal bin points: please ensure pathways are wide enough for bin manoeuvring and that this is not between parked cars.

6.15 One Third Party Support

I support this modest application for badly needed housing in Chichester. To my knowledge this field has been derelict for 20+ years. The site is close to a major Tesco store & has a passing bus service to Chichester & Fishbourne.

6.16 Applicant/Agent's Supporting Information

The applicant has provided:

- Arboricultural assessment
- Air quality assessment
- Bat Activity Survey Report
- Phase II ground investigation report
- Mitigation and enhancement statement
- Flood Risk Assessment
- Transport Assessment
- Construction Dust Assessment

7.0 Planning Policy

The Development Plan

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

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 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 13: Chichester City Transport Strategy

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 41: Off-site Renewable Energy

Policy 42: Flood Risk
Policy 45: Development in the Countryside
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 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 paragraphs 17 (Core Planning Principles), 34 (highways movement and sustainable travel); 49 (Housing and sustainable development), 50 (Delivering a high quality homes), 52 (Delivering housing), 56 (Requiring good design), 60 (Reinforcing Local Distinctiveness), 72 (Appropriate Education Provision), 73 (Access to sport and recreation), 93 (Environmental Sustainability), 96 (Development to minimise energy consumption), 109 (Enhancing the Natural Environment) and 118 (Conserve and Enhance Biodiversity),

- 7.5 The government's New Homes Bonus (NHB), which was set up in response to historically low levels of housebuilding, aims to reward local authorities which 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.

7.6 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 Section 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 are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD.
- Surface and Foul Water SPD

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:

- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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) Appropriateness of Housing mix
- iii) Impact on the character and appearance of the area
- iv) Suitability of landscaping and open space
- v) Highways access, sustainability and parking
- vi) Impact on national roads and railway infrastructure
- vii) Effect of nearby noise sources on residential amenity
- viii) Appropriateness of surface and foul water drainage
- ix) Impact on the historic environment and archaeological considerations
- x) Ecological considerations

- i) Principle of development

- 8.2 This site lies in the countryside, outside the settlement boundary of Chichester City. Policies 2 and 45 of the Chichester Local Plan states that, "development in the countryside should be restricted to that which requires a countryside location and meets an essential, small scale and local need".
- 8.3 Whilst the site is within the countryside it lies a short distance (35m) from the Settlement Boundary of Chichester City and less than 100m from the boundary of the West of Chichester Strategic Allocation where 1600 homes are allocated. Chichester City is the most sustainable settlement in the hierarchy as set out within Policy 2.
- 8.4 The applicant suggests that this development requires a countryside location because it represents sustainable development and that the council cannot demonstrate a 5YHLS. Officers disagree with this assessment, not only can the Council demonstrate a 5 Year Housing Land Supply (5YHLS) but even if this were not the case, no sequential assessment has been produced to demonstrate that there are no other sites that could deliver 25 houses within settlement boundaries within Chichester District.
- 8.5 However, there is strong drive from government to increase housing delivery and it should be noted that the Council's 5YHLS has been found by some Inspectors at appeal to be low or 'marginal', at 5.3 years supply. It is Officers recommendation that this site, for the reasons detailed below, represents a potentially sustainable development that, although outside the Settlement Boundary (by 35m) would further contribute to the Council's 5YHLS position in a location which is in very close proximity to the Settlement Boundary and an existing strategic site.
- 8.6 There is conflict with Policy 45 as the development does not require a countryside location. However, given the particular site circumstances as detailed below, it is considered that an exception to the normal policy presumption can be justified in this instance. The housing allocation for Chichester City is approximately 2435 homes (including large strategic sites). A further 25 additional homes would be a small but meaningful contribution to the local need for housing within the city.
- 8.7 With regard to the three other relevant criteria in Policy 45, the proposal is well related to the established settlement of Chichester City, having regard also to the proposed development of the strategic housing allocation to the east of the site, and its locational sustainability is discussed further below. The application site is currently an unused paddock and no viable agricultural operations are prejudiced by the proposal. Finally, criterion 3 requires proposals to have a minimal impact on the landscape and rural character of the area. This is discussed in detail below but it is not considered that the proposal would result in significant harm to the landscape, character or appearance of the area.
- 8.8 In summary, on the issue of the principle of development, for the reasons set out below, the site is considered to represent sustainable development. Policy 1 of the CLP encourages development to be approved where it is demonstrated that it is sustainable and consistent with the development plan. Whilst there is conflict with Policy 2 and elements of Policy 45 of the CLP it is considered that, in this case, this is outweighed by the benefits of the development because of its proximity and relationship with existing and planned development for the city. Furthermore, it would not result in any harm to the character and appearance of the area. The principle of development on this site is therefore considered to be acceptable.

ii) Appropriateness of Housing mix

- 8.9 This proposal is for 25 new dwellings, 7 of which would be affordable. A commuted sum equivalent to 0.8 of a dwelling is sought to ensure the proposal would be consistent with the requirement to deliver 30% affordable housing (7.8 units) under Policy 34 of the CLP. The affordable housing would be secured within a S106 Agreement, there is flexibility proposed within the draft s106 to allow the remaining 0.8 of dwelling to come forward as another whole affordable unit in place of a financial sum.
- 8.10 The affordable housing mix is not fully consistent with the SHMA due to the higher proportion of 1 and 2 bedroom properties within the flats and apartments. However, the CDC Housing Officer does not raise objection on this matter and supports the approach as there is demand on the housing register for smaller bedroomed properties.
- 8.11 With regard to the market mix, this is again not fully consistent with the SHMA recommendations, delivering 3 more 1 and 2 bed homes and 3 less 3 bed homes. Again, however, the Housing Enabling Officer does not object to this market housing mix as it proposes smaller bedroom properties, in a district where there has been an historic over delivery of larger market homes, and a proposal that would allow families to join or downsize within the housing market.
- 8.12 For the reasons set out therefore, the proposed housing mix would be acceptable and in overall terms, consistent with Policy 33 (5) and Policy 34 of the Chichester Local Plan.

iii) Impact on the character and appearance of the area

- 8.13 The application site is currently an unused flat paddock which is tightly constrained by the railway line and the banks of the adjacent A27 road. The boundaries of the application site are heavily vegetated and very well screened, as are the steep banks of the nearby A27.
- 8.14 The existing two storey housing to the east of the application site dates from the 20th century and maintains an urban character. This is consistent with the density and appearance of the proposed housing. Two dwellings to the north of Clay Lane are of historic interest and are Grade II listed. They are both detached and set back from the road and both retain a more semi-rural character.
- 8.15 The layout of the site is centred on detached dwellings fronting Clay Lane and a higher density of development to the south of the central spine road. A large landscaped attenuation pond would be visible from the site access and which would assist in maintaining the semi-rural character of the site from Clay Lane. The flat and apartment blocks to the south of the site are set back by around 27m. There would be indirect views of these buildings outside of the site from Clay Lane. The parking is proposed on plot or is concealed from public view in parking courts, which are proposed to be located to the rear of the flats.

- 8.16 The scale of the proposed dwellings is consistent with existing local development. The 6 dwellings fronting Clay Lane graduate from chalet bungalows (7.5m to ridge) on the eastern boundary, up to two storey dwellings (8.5m to ridge) closer to the site entrance. The flat blocks are taller at 11.0m and are higher than the existing housing stock. This provides some benefits in terms of the acoustic environment of the site.
- 8.17 The design of the houses is appropriate for this semi-rural location. The use of high quality materials and detailing is considerate and would enhance the character and appearance of the area. Materials proposed include a consistent small palette of materials, which would be used across the site, but with variation. Materials include slate and clay roof tiles, a quality stock brick and flint with stone cills. The affordable units would be indistinguishable from the market housing stock proposed and the dwellings would respect the semi-rural character of the area as a result of their detached form and the bungalow appearance, but with the use of gabled dormers and features.
- 8.18 The flat and apartments blocks have also been designed to take account of the semi-rural character of the area and whilst more dominant in form than the rest of the development, they would be set back from the site entrance and there would be minimal views from public vantage points at the site access. The apartment blocks would incorporate the gable feature in the eaves line and would have a prominent protruding gable serving the entrance to the apartments. Given that the flats would be set back in the site and closest to the railway line, this would not result in any harm to the character and appearance of the area.
- 8.19 Overall, it is considered that the proposal would represent a modern housing scheme which is respectful of the semi-rural location and the mixed vernacular and age of existing housing in close proximity to the site. The proposal would be consistent with Policies 33, 34 and 45 of the CLP and overall, the scheme would enhance the character and appearance of the area.

iv) Suitability of landscaping and open space

- 8.20 The site is currently an unused flat paddock with unmanaged, but well established, boundary treatment on all sides. There are a number of existing trees and an arboricultural assessment has been undertaken. This application proposes the retention of the existing boundary treatment, including a large number of the trees. Two principal areas of tree removal include two maple trees to form the site entrance and a cluster of 10 trees on the eastern boundary. A construction exclusion zone and ground protection areas are shown on the submitted plans.
- 8.21 As well as retaining much of the existing vegetation, a number of ornamental trees are proposed to be planted on the site and within the proposed open space. Areas of bulb planting are also proposed. Within the curtilage of the properties, mixed shrub planting and deciduous tree planting is proposed which will reduce the visibility of the development when viewed from Clay Lane.

8.22 The application proposes to deliver 250 sqm of open space and this is to be located in front of the apartment blocks in the central part of the site. This is considered to add to the semi-rural character of the site, but also provide for an attractive setting to the flats and additional amenity areas. Whilst not included in the open space provision, further amenity space would be provided adjacent to the attenuation basin at the site entrance and laid to grass. The basin itself is proposed to be softened by appropriate landscaping.

8.23 The proposed landscaping is appropriate for this semi-rural character and conditions are recommended to ensure that the landscaping scheme is implemented and that any species that die within 5 years are replaced. The provision of the open space would be secured within a s106 agreement.

v) Highways access, sustainability and parking

8.24 The applicant has undertaken a Stage 1 safety audit and WSCC raises no objection to the highway design. The proposed access point would allow sufficient visibility in both directions to allow safe entrance and egress from the site by vehicle. The width of the access would be 6m wide and would lead onto the central estate road with a width between 6m and then reducing to 4.2m where the road only leads to car parking. These roads would be shared with pedestrians although there would also be a segregated footpath in front of the open space and an extension of the Clay Lane footpath into the site in a low traffic environment.

8.25 The parking spaces on site accord with the WSCC specified dimensions and the 53 spaces proposed are consistent with the WSCC Parking Calculator.

8.26 The vehicle movements to and from the site would not result in a severe impact on the local highway network. The impact on the A27 trunk road is discussed elsewhere in this report.

8.27 The site is considered to be sustainably located by WSCC Highways. There are two bus stops within walking distance of the site, which have services to Fishbourne, Southbourne and beyond to Portsmouth and towards Chichester City centre. It is 600m to the Tesco Superstore by foot and less than 1km to the Bishop Luffa Secondary School via a footbridge. Cycling would be available to potential occupants and there would be provision in sheds, garages and designated spaces for the storage of bikes. The site can be accessed by sustainable transport modes and consequently opportunities to minimise personal vehicle use. Overall, this proposal is consistent with Policies 8 and 39 of the CLP.

vi) Impact on national roads and railway infrastructure

8.28 This proposal would result in a very small number of additional cars joining the A27 at Chichester junctions. It would provide for housing above and beyond the Chichester City Parish housing numbers, as set out in Policy 5 of the Local Plan, which would normally require a financial contribution to the Local Plan mitigation package for the A27. The applicant has, however, proposed and agreed a bespoke package with Highways England to mitigate the scheme's possible impact on the A27. This provides for a financial contribution of £2,615 per dwelling (£65,375) which would be secured through a s106 and would contribute to the A27 Local Plan scheme.

8.29 Highways England has also requested the imposition of conditions to protect the A27, its vegetated banks and bridge during construction and beyond. Network Rail raises no objection to the proposal, provided that there is no opportunity for encroachment of vehicles or personnel onto the railway. Conditions are recommended to prevent any impact on Network Rail.

vii) Residential amenity

8.30 The site has undergone acoustic and vibration testing. It is a location which already experiences some noise due to its proximity to the A27. The area demonstrates noise levels in excess of 55db (A), a guideline level set by the WHO as a disruptor to sleep and health concerns resulting from noise. There are currently no noise attenuation measures in place for existing residents of Frederick Road to the east of the application site.

8.31 This proposal has been sensitively designed to mitigate and deliver a lower acoustic environment than existing within the proposed dwellings and external private amenity space. The layout and design of the proposed built form results in an acoustic environment of less than 50db (A) in the outside private amenity spaces and in the designated open space.

8.32 Conditions are recommended by the Environmental Health Officer in relation to the specification of windows orientated towards the A27, so that the internal acoustic environment is less than 28dba and requiring alternative ventilation, thereby allowing residents to have the option of opening windows for air exchange. All other windows on facades not facing the A27 would be required to demonstrate an acoustic environment of less than 21dba, apart from those dwellings facing the railway which are required to achieve less than 26dba. These are consistent with WHO guidelines which recommend bedrooms should have a noise environment of less than 30dba at night. The applicant's acoustic consultant has confirmed that these volume restrictions are achievable for night-time noise levels and the matter can be dealt with by way of planning condition.

8.33 The air quality for residents is not considered to result in any harm to health with the applicant demonstrating through an air quality assessment that harmful particle concentrations would be below objective levels set by CDC.

8.34 A ground investigation demonstrated that there was a low level of lead at 0.5m below ground in one area of the site. CDC Environmental Health Officers are satisfied that a suitable remediation strategy can be secured and controlled by condition.

8.35 Whilst the site lies in an area which is subject to louder noise environments from traffic on the A27, it is not considered that the potential noise levels or air quality would have any significant adverse impacts upon the health of occupants or the enjoyment of their properties and private gardens. The scheme has been carefully designed to ensure the internal and external noise environment is well within the British Standard.

8.36 The applicant has also provided a comprehensive construction and environmental management plan and the CDC Environmental Health Officers have proposed controlled construction hours on site. Whilst the development of the site would result in some impact upon existing residents, it is considered that these would only apply during the construction phase and specific controls on noise and dust would limit the impact on amenity.

8.37 With regard to potential impact beyond construction, the relationship of the proposed development with existing dwellings, particularly in Frederick Road to the east of the site, is considered to be acceptable and would not result in any harm to residential amenity through over-looking or loss of light. For these reasons, the proposal is considered to be consistent with Policy 33 of the CLP.

viii) Surface and foul water drainage

8.38 The site is located with Flood Zone 1, i.e. land at the lowest risk of flooding. The application is supported by a surface water drainage strategy which would accommodate a 1 in 100year +40% climate event. Surface water is proposed to be drained into an attenuated scheme through permeable paving and a drainage basin (pond). The winter groundwater modelling information shows that the site has a high groundwater level and therefore an attenuated system is the most appropriate method of managing surface flow. There are existing drainage ditches to the north of the site. These ditches, once cleared, would be used for discharge of the water from the site at a rate of 2l/s. CDC Drainage engineers agree that the surface water strategy is appropriate and conditions are proposed to secure full details of the scheme and its ongoing maintenance and management.

8.39 The application proposes foul water disposal via the existing foul network which would flow to the Apuldrum WwTW which has a limited capacity for new development. Southern Water agrees to this approach, provided the Council is satisfied that there is sufficient headroom remaining. The current position is that there is sufficient capacity to accommodate the flows from this development which, if permitted, would leave capacity for 50 further dwellings in the Apuldrum catchment.. Neither Southern Water nor the Environment Agency objects to the proposal on this basis.

8.40 The proposed drainage schemes for both surface water and foul drainage are consistent with Policies 12 and 40 of the CLP.

ix) Impact on the historic environment and archaeological considerations

8.41 The site lies in close proximity to two Grade II listed buildings- Applegarth and Mead House. They share similar characteristics and are listed for their architectural quality. The proposal, although within view of the listed buildings, would not adversely affect their setting. Within the curtilage of the listed buildings is a deep and high established hedgerow. This hedgerow prevents inter-visibility with the proposal site when combined with the row of maple trees to be retained on Clay Lane within the application site. The proposal has been designed sensitively, with characterful and detailed dwellings fronting Clay Lane and the proposal is not considered to result in harm to the setting of the listed buildings. The consultation response from the Conservation and Design manager supports this view.

8.42 The application site is also sited north of a large area of archaeological priority and it is considered that the site could potentially reveal historic findings. A condition is recommended which requires the applicant to undertake investigative trenching prior to work commencing, so as to assess the archaeological situation. The proposal is consistent with Policy 47 of the CLP.

x) Ecological implications

- 8.43 There is evidence of bats and reptiles at the site. A Mitigation and Enhancement Statement was submitted with the application and the proposed mitigation is acceptable to the CDC Environment Officer. The mitigation and enhancement includes measures such as nature planting, pond creation (SUDS), bat loft tiles and four bat boxes. The statement also includes measures to minimise light disturbance on local wildlife and details of lighting are recommended to be covered by condition.
- 8.44 No badgers have been found on the site though a precautionary approach is required and it is recommended by condition that a badger survey is undertaken before works commence.
- 8.45 The proposed mitigation and enhancement are considered appropriate and consistent with Policy 38 of the CLP.

Significant Conditions

- 8.46 A full schedule of conditions and informatives is proposed at the end of this report. Conditions requested by statutory consultees such as National Rail and Highways England are included for the protection of their assets and details are required prior to the commencement of works. Further detailed information is required by condition on surface water drainage, connection to utilities, foul drainage, hard and soft landscaping of the site and materials and finishes of buildings, notwithstanding that information has already been provided during the course of the application to assess the acceptability of the approaches in principle.
- 8.47 Also recommended are conditions to ensure that the development achieves a satisfactory acoustic environment, which includes the need to provide a validation report for the most noise sensitive properties.
- 8.48 Finally, conditions are recommended requiring the development to be carried out in accordance with the submitted and agreed details on wildlife mitigation (bats, reptiles, birds and badgers), set visibility splay distances and specific construction hours. This schedule of conditions has been shared with the applicant and the conditions are considered to be necessary, directly related to the development, precise and enforceable.

Section 106 Agreement

- 8.49 This proposal requires a s106 agreement to make the development acceptable. The draft s106 agreement is at an advanced stage and includes the following provisions:-
- Securing the equivalent of 7.8 affordable dwelling units
 - Delivery of public open space
 - Internal roadway un-adopted highway
 - Highways works with WSCC Highways on highways land
 - Recreational Disturbance Mitigation Payment
 - A27 mitigation payment

8.50 In addition, this development is liable to pay the Council's CIL charge. The site is located in the south of the district where the charge is £120 per square metre of floorspace.

Conclusion

8.51 The proposal is for 25 dwellings on the western boundary of Chichester City. The principle of development is considered to be acceptable for the reasons set out in the report. Although the site lies outside the settlement boundary of Chichester City, officers give significant weight in the planning balance to the fact that the site lies very close to the settlement boundary, adjacent to existing residential development and less than 100m from the boundary of the West of Chichester Strategic Site. The proposal would also contribute to the current 5 YHLS on a very contained site with no adverse landscape, heritage, wildlife or infrastructure impacts. The proposal would not adversely affect the character and appearance of the area, and—would not cause harm to neighbour the amenity or the enjoyment of the properties by the proposed occupants from noise or vibration. It is concluded that the proposal can be justified exceptionally for these reasons.

8.52 Whilst the proposals are not fully compliant with Policies 2, 5 and 45 of the Chichester Local Plan, any conflict is considered acceptable, having regard to the positive impacts of the scheme set out above. The development represents a reasonably sustainable development which properly takes into account the environmental, economic and social aspects of development. The development is also sustainably located, within the most sustainable settlement in the settlement hierarchy.

8.53 Conditions are recommended to control the development, for both amenity and environmental reasons but also to ensure that it respects and enhances the character and appearance of the area through appropriate finishes and landscaping. A Section 106 Obligation is also recommended to ensure that the development is acceptable in planning terms, securing all relevant policy requirements.

8.54 Based on the above it is considered the proposal complies with development plan policies 1, 4, 8, 9, 10, 12, 13, 33, 34, 39, 40, 42, 47, 48, 49, 50 and 54 and, therefore, the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1702:2.10B, 1702:2.11B , 1702:2.12A, 1702:2.13A , 702:2.14A , 1702:2.15A, 1702:2.16 , 1702:2.17 1702:2.18 -

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

3) 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.

4) 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.

5) 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.

6) Notwithstanding any details submitted, no development shall commence until details of how the Network Rail asset (trainline) shall be protected from damage or encroachment during the construction phase and the ongoing occupation of the site is submitted to and approved in writing by the Local Planning Authority. The details submitted should be considerate of the comments set out in the Network Rail consultation response of the 13 December 2017.

Reason: to protect national infrastructure.

7) 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.

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

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

9) No development shall commence until details showing the approximate location of fire hydrants (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 provided and maintained in accordance with the approved details.

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

10) **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.

11) **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.

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

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

13) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The

report shall be 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. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

14) Prior to the commencement of development, details shall be submitted to the Local Planning Authority in writing for approval regarding the methods of sound insulation to achieve the following acoustic environments:

- windows within facades of the apartment block buildings with a direct view of the A27 shall be constructed so as to provide sound insulation against externally generated noise of not less than Rw28dB, with windows shut and other means of ventilation provided.

- windows within facades of the apartment block building with a direct view of the railway shall be constructed so as to provide sound insulation against externally generated noise of not less than Rw 26dB, with windows shut and other means of ventilation provided.

- windows within facades of all other buildings on the application site shall be constructed so as to provide sound insulation against externally generated noise of not less than Rw21 dB, with windows shut and other means of ventilation provided.

The approved details shall be carried out in full and maintained to achieve these standards in perpetuity.

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

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

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

16) No 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.

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

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

18) No part of the development hereby permitted shall be first occupied until the road(s), footways, and parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

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

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

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

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

21) The development hereby permitted shall not be first brought into use until a landscape/open space management plan, including a maintenance schedule indicating proposals for the long-term management of landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in

writing by the Local Planning Authority. The landscape/open space shall thereafter be managed in accordance with the approved details.

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

22) The development hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be 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.

23) No part of the development shall be first occupied until visibility splays of 2.4 by 92 metres to the east and 86 metres to the west have been provided at the proposed site vehicular access onto Clay Lane in accordance with the approved planning drawings. 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.

24) Within one month of the completion of the 25th unit on site, a scheme of validation shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the following internal noise levels from external noise sources have been achieved

Location: Bedroom

Day LAeq, 16h 35dB limit

Night LAeq, 8h 30dB limit

Night L_{Amax}, F 45dB not exceeded more than 10-15 times per night

Location:

Living Room Day LAeq, 16hr 35dB limit

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

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

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

25) The construction of the development and associated works, including deliveries to the site, shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of residential amenity.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garages 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.

27) The development, hereby permitted, shall be carried out in complete accordance with the details set out in the Mitigation and Enhancement Statement by Ecology Co-op Environmental Consultants (dated 31/08/2017) ref: Project 2237 unless otherwise agreed in writing with the Local Planning Authority.

Reason: for the protection of wildlife and protected species.

28) The construction and future maintenance of the development, hereby approved, shall ensure that at no time do works and/or other operations:

- Encroach on to or sail above Highways England Land
- Affect the safety, operation or integrity of Highways England Land and/or assets
- Require access to Highways England land or assets without obtaining express permission in writing from Highways England beforehand.

Reason: to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for the through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage

29) No surface water shall be permitted to run off from the development site hereby permitted on to the public highway. Surface water discharge from the site will be restricted to the agreed 'greenfield' run off rate of 2.0lits/sec and on site storage will be calculated for the 1 in 100year storm event with an additional allowance for climate change. Details to be submitted to and agreed with the Local Planning Authority. Discharge from the site is to be made to the existing piped watercourse unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the surface water drainage is in accordance with principles agreed with stake holders (Highways England, West Sussex County Council and Chichester District Council) and does not compromise the A27 Trunk Road drainage network and satisfies the requirements of road safety and prevention of environmental damage.

30) The development, hereby approved, shall be carried out in complete accordance with the mitigation proposed in the Construction Dust Assessment: Clay Lane, Chichester by Air Quality Consultants (Dated January 2018) ref: J2849, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the protection of local amenity and strategic road network against dust from construction.

31) The development, hereby permitted, shall be carried out in complete accordance with the Arboricultural Assessment and Method Statement by barrell Tree Consultants (dated 06/09/2017) ref: 17009- AA2- CA and Tree Protection Plans 17 009- BT1 and 17009- BT2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the development is carried out in accordance with agreed tree management.

32) 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 proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure the development does not harm the historic environment

INFORMATIVES

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

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

3) S106

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

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

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

For further information on this application please contact Rhiannon Jones

Report to **Planning Committee**
Date **18 April 2018**
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

This application was deferred at the 14.03.2018 Planning Committee meeting for a site visit.

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 already in a residential area and the design of the property does not present any significant sources of light pollution with respect to the ambient, the impact on dark skies is small. I would recommend that low transmittance glass be used, particularly on the woodland edge to reduce the spill of internal light, and a condition of no rooflights.

I notice from the plans that there is an intention to install an external light for the entrance door. I would require that this - or any lighting - is dark sky friendly with an Upward light ratio of zero, of around 500 lumens (sufficient for entrances) and set to proximity timers. No security lighting above 1,500 lumens should be used at all, and any lighting should be pointing down (ULR = 0)

4.5 The National Trust

Right of access may encroach on to NT land, although acknowledged that this a private issue between the parties.

The NT would contend that the proposal does not provide safe and suitable access for all and would result in conflict between pedestrians and traffic.

Concerned that the proposed development, including the access track is not sufficiently detailed enough to address the relationship with the existing trees within NT's ownership and whether this will result in a detrimental impact on their health and future growth.

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 upgrading works and future maintenance.

Amenities and living conditions of adjoining residents

- 8.11 The nearest adjacent dwelling is 53 Marleycombe Road to the north, sharing the north boundary of the site. The property is two storeys in height and has a projecting first floor window in the south gable overlooking the application site. The ground floor is largely screened by the existing hedgerow along the common boundary. The proposed dwelling is sited 10.0 metres from the north boundary and the building to building distance scales at 15.0 metres. First floor windows in this elevation are limited to two obscure glazed windows servicing a landing and a bathroom. The separation distance between the proposed dwelling and No.53 is considered sufficient to ensure that the development will not be overbearing or dominant. There would inevitably be an increase in the level of activity as a result of the location of the drive and turning area servicing the dwelling, but in the context of the development of a single dwelling in an existing residential area, this is considered to have a limited impact on general living conditions and in itself is not sufficient to warrant refusal of the scheme.
- 8.12 The east elevation is to be built as part of a retaining structure to the east boundary, where there is quite an abrupt change in levels. 1 and 2 Stone Pit Cottages are at a considerably higher level (almost 7.0 metres) than the application site and would be afforded views over the roof of the new dwelling. The grassed flat roofed section together with the receding nature of the pitch of the main roof will ensure that the proposed dwelling would not appear dominant from this aspect.

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 survey to produce a Habitat Suitability Index (HSI) for the site, 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

- 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

Contact Officer: Derek Price
Tel: 01243 534734
email: dprice@chichester.gov.uk

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

SDNPA Consultees Highway Authority, Dark Skies Officer, National Trust, 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.

**PLANNING COMMITTEE
(Wednesday 18th April 2018)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report updates the position on those contraventions included on the previous schedule and those cases that have since been authorised.

Statistics as at 31st March 2018

2.

<u>Case Numbers:</u>	CDC	SDNP cases (included in CDC figures but remaining on CDC system until closed)	SDNP cases (on SDNP system)	Total
On hand as at last report:	274	5	140	414
Cases received since last report:	83	0	36	119
Cases closed since last report:	79	0	40	119
Current number of cases on hand:	278	5	136	414
Included in "On Hand" all cases held in abeyance awaiting compliance date of notice, appeal decision or retrospective application decision	58	0	22	80

3. Performance Indicators financial year 2017/18 CDC area only:

a. Time taken to initial visit from date of complaint:

Low within 20 days (261 Cases)	98%
Medium within 10 days (116 Cases)	92%
High with 2 days (12 Cases)	100%

b. Time taken to notify complainants of action decided from date of complaint:

Low within 35 days (275 Cases)	98%
Medium within 20 days (120 Cases)	98%
High within 9 days (12 Cases)	100%

4. Notices Served.

<u>Notices Served:</u>	1 Jan – 31 Mar		Total in FY 2017/18	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	1	2	17	6
Breach of Condition Notices	1	1	6	2
Stop Notices				
Temporary Stop Notices			3	
Section 215 Notices	2	1	3	2
Section 225A Notices				
High Hedge Remedial Notices				
Tree Replacement Notice				
Total	4	4	29	10

5. Performance Indicators are not available for cases within the South Downs National Park
6. If Members have any specific questions on individual cases, these should be directed to the contact officer, Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 15/00336/COU (Reg Hawks)	Land North of Junction B2138, Bury	Without planning permission the stationing of a mobile home for human habitation	06.08.15	EN BY/22 issued Appeal lodged and conjoined with 14/0485/ 20.04.17 – Appeal dismissed with variation (increase in compliance time). New compliance date 20.01.18 As of 18.01.18 –it was noted that no one was living on the land and that a caravan had been removed from the land. Compliance site visit needed 23.03.2018 – The land has been vacated Compliance achieved. Remove from next list
BURY/SDNP/ 13/00032/COU (Reg Hawks)	Sandy Meadow Farm, Bignor Park Road, Bignor	No compliance with the occupancy condition	29.11.17	BCN BY/23 issued Compliance date 30.05.18
BURY/SDNP/ 17/00093/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued Compliance date 30.07.18
FU/08/00230/ EWSTNP (Shona Archer)	The Old Post Office Southbrook Road West Ashling Chichester West Sussex PO18 8DN	Untidy building and land	04.02.11	S215 Notice issued 09.10.13 – Prosecution for failure to carry out the works 23.04.15 - Officers carried out a property assessment 08.07.15 – The SDNPA authorises Direct Action 01.10.15 – Decision meeting with SDNP - to carrying out basic works to make good the property as opposed to full repair works and the associated risks 16.1.16 – works of compliance commenced on site 24.1.17 – works completed, land secured with new fence <i>Cont'd next page</i>

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FU/08/00230/ EWSTNP (Shona Archer) Cont'd				4.4.17 – contractor contacted to progress next phase of work – rebuild front boundary wall and paint woodwork 14.6.17 – Entry to property gained by officers/surveyor to assess its condition. Contractor completed all works. On receipt of surveyors report, consideration will be given to what further enforcement action should be taken. 29.9.17 – Instructions from the SDNPA are awaited. A note of the expenditure undertaken to date has been put on the Local Land Charge and consideration is now being given to whether to apply to the Court for making a charge on the Land Registry. 22.01.2018 – The Historic Buildings Advisor for the SDNPA has considered the survey report and condition of the property and considers that further action by the LPA should be taken. No decision has yet been made on what form this should take. 03.04.2018 – This matter is being managed by the SDNPA
FUNT/SDNP/ 16/00496/ OPDEV (Shona Archer)	Land south of Braefoot Southbrook Road West Ashling	Without planning permission, change of use of the land to use as a residential caravan site	14.06.17	EN FU/46 issued Compliance date 26.01.18 Appeal ongoing
FUNT/SDNP/ 16/00676/COU (Reg Hawks)	New Barn Farm Common Road Funtington	Without Planning permission change of use of the land to B8 commercial storage	04.01.18	EN FU/66 issued Compliance date 15.06.18 Appeal lodged – Written Representations

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/ 16/00692/LB (Emma Kierans)	East Harting Farm Hollist Lane East Harting	Without consent part demolition of building and erection of extension	03.05.17	LBEN HT/26 issued Appeal against refusal of SDNP/16/03903/HOUS has been dismissed New compliance date 30.11.17 15.01.18 - Notice not complied with. Meeting to be held on site to progress the steps required. Notice complied with – Remove from next list
HART/SDNP/ 17/00457/ OPDEV (Shona Archer)	Land at Torberry Hill House Torberry Lane South Harting	Non-compliance with the Town and Country Planning (General Permitted Development) Order 2015 Part 4 Class A – temporary buildings and structures	26.03.18	BCN HT/27 issued Compliance date 26.06.18
LURG/SDNP/ 15/00549/ BRECON (Reg Hawks)	High Hampstead High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX	Breach of condition-not in accordance with the approved plans	03.08.16	BCN LG/12 issued Enforcement held in abeyance pending application 16.06.17 – application withdrawn 03.07.17 – letter sent to request internal inspection to check compliance with BCN. 17.07.17 – reply from the property owner requesting more time to carry out the remedial works 27.09.17 – email from applicant which states a LBC application will be submitted to address remedial work/BCN 19.10.17 – LBC application submitted SDNP/17/05021/LIS 08.12.17 – Application approved. 6 months to implement permission. 29.03.18 – Notice complied with. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
MID/SDNP/16/ 00204/OPDEV (Shona Archer)	Flat 2 Thomond House North Street Midhurst	Without planning permission the formation of a door opening and installation of a steel balustrade	21.12.16	EN MI/16 issued Appeal dismissed New compliance date 12.12.17 11.12.17 – notice not complied with. Application to be submitted to overcome the harm. 25.01.18 – application SDNP/17/06315/HOUS pending consideration. Application withdrawn. 03.04.2018 – an application will be made for a glazing panel to replace the door. In other respects compliance has been achieved. The new application requires a Certificate B to be served on the freeholder.
ROG/SDNP/15/ 00492/COU (Steven Pattie)	Land northwest of Laundry Cottage Dangstein Woods, Rogate	Without planning permission, change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products.	26.02.18	EN RG/36 issued Compliance date 09.07.18
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal ongoing – Written Representations Exchanged statements and awaiting date for PINS site visit SDNP/17/00294/FUL – refused and appeal lodged SDNP/17/00295/LB – refused and appeal lodged 20.09.17 – s174 appeal conjoined with s78 appeal 28.02.18 – Appeal dismissed, enforcement notice upheld. New compliance date 28.10.18

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
STED/SDNP/ 16/00334/COU (Shona Archer)	The Old Studio Bridgefoot Lane Stedham West Sussex GU29 0PT	Without planning permission, change of use of the land/building to use as a single dwellinghouse	09.01.17	EN SJ/24 issued Appeal lodged – Written Representation 26.10.17 - Appeal dismissed, notice upheld and planning permission refused Compliance date 26.04.18
STED/SDNP 15/00109/ OPDEV (Reg Hawks)	Land south of The Old Stables, Mill Lane, Stedham, Midhurst, GU29 0PR	Without planning permission, formation of a hardsurfaced access track	02.03.17	EN SJ/25 issued Appeal ongoing – Written Representation 16.02.18 – Appeal dismissed New compliance date 16.05.18
STED/SDNP/ 16/00120/COU (Shona Archer)	Minsted Heath Barns Minsted Lane, Minsted Stedham	Untidy Land	27.06.16	Section 215 Notice SJ/23/S215/25 issued Compliance date 25.10.16 20.1.17 – Non-compliance with the notice. 26.01.17 – letter before action sent 12.4.17 – a further site visit is required to assess the use of the land at this time. 28.4.17 – site visit showed partial compliance. Caravan removed from the land. 04.08.17 – investigations made on owners address 25.08.17 – letter sent to current owners address 16.09.17 – site visit to be made. If no compliance prosecution paperwork ready to be initiated. 20.9.17 – owner has communicated with officers setting out their arguments against the proposed action. This correspondence needs to be addressed before the file is passed to legal. 03.04.18 – current condition of land and visual harm to be reviewed

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
TL/SDNP/14/00 462/BRECON (Reg Hawks)	River Farm Brookfield Lane Tillington Petworth	Stationing of mobile homes and caravans for seasonal workers	15.11.16	BCNEN TL/2 issued Appeal received– Written Representation; 14.07.17 – date for exchanging statements; 12.09.17 – Appeal dismissed. New compliance date of 12.12.17 28.11.17 – High Court hearing - the court granted permission for the matter to proceed on one of the five grounds pleaded:- that the Inspector did not consider, or did not give adequate reasons for not considering, the Appellants mitigation measures (landscaping) when deciding whether planning permission should be granted for the development. 03.04.18 – awaiting High Court date
UPWA/SDNP/ 16/00069/COU (Emma Kierans)	The Mill Eartham	Change of use of a building to a dwellinghouse	02.02.17	EN ER/6 issued Appeal Lodged – Public Inquiry 31.10 & 01.11.17 Appeal dismissed and the notice upheld with variation. New compliance date 08.06.18

Chichester District Cases:

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 issued The Appeal decision was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/24 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is considered to be 2 August 2018.
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 November 2018

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018
BI/17/00061/ CONENG (Emma Kierans)	Little Oak Farm Land North of Cowdry Nursery Sidlesham Lane Birdham	Without planning permission the erection of a timber framed structure and creation of a raised decking	27.07.17	EN BI/33 issued Compliance date 07.12.17 12.12.17 – Site visit. 03.04.18 - Notice complied with however a rebuild of previous building in situ requires a planning application or removal
BI/16/00229/ CONCOU (Steven Pattie)	Kellys Farm Bel Lane Birdham	Without planning permission, change of use of land to a mixed use as a horticultural nursery and operation of a car wash business	13.12.17	EN BI/34 issued Compliance date 24.02.17 Appeal lodged – awaiting start letter

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CC/17/00165/ CONLB (Sue Payne)	Flames 10-11 St Pancras Chichester	Without consent works to a Listed Building	26.09.17	EN CC/137 issued Compliance date 07.02.18 26.03.18 - Two planning applications submitted (CC/18/00337/ADV and CC/18/00283/LBC) to address issues to be remedied in the LBEN. Determination date 23.04.18
CC/115/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Compliance date 29.05.18
CC/17/00089/ CONWST (Sue Payne)	87 Bognor Road Chichester	Untidy Land	19.03.18	S215 Notice S215/30/CC/140 issued Compliance date 30.07.18
CH/14/00399/ CONMHC (Reg Hawks)	Cockleberry Farm Main Road Bosham West Sussex PO18 8PN	Without planning permission, change of use to a mixed use comprising commercial uses, equine and the stationing of 4 no. mobile homes for the purposes of human habitation	04.08.16	EN CH/54 issued Appeal lodged –linked to s78 appeal against refusal of 16/01902/PA3P 06.06.17 – Hearing held at Assembly Rooms, Chichester 28.07.17 – Appeal dismissed and the notice upheld with variations. New compliance date 28.01.18 03.04.18 – communication rec from agent that the landowner is intending to apply for planning permission to redevelop the site. Await outcome of the planning process.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Without planning permission the laying of hardcore and the stationing of a mobile home for the purpose of human habitation	09.12.14	EN CH/49 issued Appeal lodged – Hearing date 10.12.15. Appeal dismissed New compliance date of 15.09.16 11.10.16 - Site inspection 07.11.16 – prosecution papers to Legal Services 22.11.16 – authority given to proceed with prosecution 18.01.17 – Further evidence to be gathered through Interview Under Caution with occupier 5.7.17 – letter before action to be sent to the landowner/occupier 20.9.17 – Owners remain in occupation of the Site. A meeting with owner is to be held on 26.9.17 to consider personal circumstances before deciding whether a prosecution should proceed. 10.11.17 – prosecution advice requested from Legal Services 04.01.18 – following legal advice letter before prosecution action sent to owner. 19.1.2018 – phone conversation with occupier confirmed that occupation of the land continues. No change in circumstances. Papers are now being prepared to instruct legal to commence a prosecution. 01.03.18 – prosecution papers forwarded to Legal Services
CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Use of the land for the stationing of a mobile home for human habitation	09.12.14	Stop Notice CH/50 issued with EN CH/49 See above

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CH/14/00292/ CONBC (Shona Archer)	Paddock View Drift Lane Chidham	Without planning permission the construction of a concrete hard standing, a paved area, brick steps and a brick wall	28.02.18	EN CH/55 issued Compliance date 11.12.18 Appeal lodged – awaiting start letter
E/16/00068/ CONCOU (Steven Pattie)	Land at Earnley Grange Almodington Lane Almodington Earnley	Untidy Land	15.06.17	S215 Notice S215/27-E/28 issued Compliance date 14.10.17 15.10.17 – site visit showed non-compliance with notice 31.10.17 – prosecution papers forwarded to Legal Services 02.01.18 – amendments made to prosecution papers but information received that site has been sold. 03.04.18 - Condition of land to be monitored.
E/16/00216/ CONCOU (Reg Hawks)	Earnley Grange Almodington Lane Almodington Earnley	Without planning permission the change of use of the land and associated building to A3 café	11.10.17	EN E/29 issued Compliance date 22.05.18
KD/17/00192/ CONWST (Sue Payne)	Broad Leaf Barn Village Road Kirdford	Untidy Land	12.03.18	S215 Notice S215/31/KD/25 issued Compliance date 10.07.18

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HN/17/00121/ CONBC (Emma Kierans)	Brook Lea Selsey Road Hunston	Breach of condition – hours of operation	20.12.17	BCN HN/26 issued Compliance date 18.01.17 No further complaints have been received since this date. The situation continues to be monitored.
NM/15/00375/ CONBC (Shona Archer)	Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex	Without planning permission, change of use of a building to a dwellinghouse	03.08.16	EN NM/21 issued Appeal ongoing – Public Inquiry – 09.01.18 Conjoined with s195 appeal under ref: NM/16/00424/ELD Public Inquiry adjourned until 22-24 May 2018
NM/15/00375/ CONBC (Shona Archer)	Land North Of Fisher Common Nursery Fisher Lane North Mundham	Without planning permission, the erection of a dwelling	03.08.16	EN NM/24 – notice issued in the alternative Appeal ongoing – Public Inquiry – 09.01.18 Conjoined with s195 appeal under ref: NM/16/00424/ELD Public Inquiry adjourned until 22-24 May 2018
NM/16/00325/ CONCOM (Sue Payne)	Land at Stoney Lodge School Lane North Mudham Chichester	Without planning permission storage of metal containers and other items	20.12.17	EN NM/27 issued Compliance date 30.04.18
O/15/00202/ CONAGR (Reg Hawks)	Oakham Farm Church Lane Oving	Without planning permission the erection of a building, hardstanding and an earth bund	03.02.17	EN O/25 issued Appeal dismissed – new compliance date 05.04.18. 09.02.18 – application for change of use of barn from storage of vehicles to storage and maintenance of agricultural machinery and vehicles under 18/00354/FUL submitted. 06.04.18 – application remains pending consideration

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O/15/00202/ CONAGR (Reg Hawks)	Oakham Farm Church Lane Oving	Without planning permission change of use of the land to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers.	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 06.04.18 – Partial compliance as storage use continues to be reduced. Further site visit to be carried out 08.05.18
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Appeal ongoing – Written Representation
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Appeal ongoing – Written Representation
O/17/00274/ CONBC (Emma Kierans)	Land at Colworth Manor Farm Colworth Lane Colworth	Non-compliance with condition – details of passing places	19.02.18	BCN O/29 issued Compliance date 19.03.18 03.04.18 – detail of passing places not received. Discussions ongoing with WSCC s.278 team on details

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PS/13/00015/ CONAGR (Reg Hawks)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for 24.09.16-04.10.16. The full extent of the planning issues to be considered at the Inquiry will depend on the outcome of current CLU appeal under ref: WSCC/036/15/PS 12.05.16 - HEARING in connection with unrestricted use of the biogas plant and equipment. 22.06.16 – appeal decision letter published re CLU appeal - APP/P3800/15/3137735. Appeal part allowed/part dismissed. s78 & s174 appeals held on 25-28.04.17 – 03-04.05.17 31.07.17 - the last scheduled day for the Inquiry 18.08.17 – Inquiry closed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, subject to corrections and variations. New compliance date of 21.12.17 for Step (i) - “cease use including the cessation of importation and processing of feedstock”. Compliance date of 23.05.19 for all other steps; 04.12.17 – EA confirmed that compliance achieved on Step (i); 20.01.18 – Ongoing discussions with Administrators who are working towards compliance. 03.04.18 – as above
PS/13/00015/ CONAGR (Reg Hawks)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued As Above

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PS/14/00278/ CONENG (Reg Hawks)	Hardnips Barn Crouchland Farm Rickmans Lane	Without planning permission, erection of a timber open sided building and the laying of a hardsurface area	03.02.17	EN PS/57 issued Compliance date 13.10.17 16.10.17 – site visit showed non-compliance 17.10.17 – letter before action sent – 28 days to comply 21.11.17 – non-compliance with notice. Currently exploring how to achieve compliance with the administrator. 09.01.18 – Bat Survey concluded; confirmation that the intention is to demolish the building within the next few weeks; 03.04.18 – seeking advice on changes to landownership
PS/17/00055/ CONCOU (Reg Hawks)	Nell Ball Farm Dunsfold Road Plaistow	Without planning permission, the erection of a building	18.10.17	EN PS/58 issued Compliance date 29.05.18 Appeal lodged – Written Representation awaiting start letter
SB/16/00176/ CONCOU (Emma Kierans)	Land East of Inlands Road, Inlands Road, Nutbourne	Without planning permission, the use of three metal shipping container buildings	15.12.16	EN SB/114 issued Written Representation Appeal dismissed – new compliance date 05.07.18
SB/17/00031/ CONMHC (Shona Archer)	Land to the north of Marina Farm Thorney Road Southbourne	Without planning permission the change of use of land to a mixed or dual use for the grazing of horses and the stationing of a mobile home	11.10.17	EN SB/116 issued Compliance date 22.05.18 Appeal Lodged – awaiting start letter

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SI/16/00359/ CONTRV (Emma Kierans)	Land adj to Ham Road Sidlesham	Without planning permission the stationing of a mobile home for the purposes of human habitation	26.06.17	EN SI/69 issued Appeal lodged – Hearing 04.07.18
SY/15/00074/ CONHH (Shona Archer)	47 Wellington Road Selsey Chichester	Without planning permission to erection of a dwellinghouse	25.11.15	EN SY/62 issued Appeal lodged – Written Representation. 13.09.16 - Appeal dismissed 19.01.17 - Appeal lodged with High Court against PINs decision 16.02.17 – Permission to appeal refused New compliance date 16.08.17 20.9.17 – Building remains on site. PA 17/01892/DOM has been made to retain structure as ancillary outbuilding. 22.11.17 – application refused. 22.01.18 – Site visit scheduled to view building and use 03.04.18 – appeal lodged against refusal of application 17/01892/DOM. Await appeal decision
SY/15/00177/ CONHH (Steven Pattie)	Portsoy 16 Bonnar Road Selsey Chichester PO20 9AT	Without planning permission the erection of an extension	14.12.15	EN SY/63 issued Compliance date 25.07.16 27.9.16 – Letter to owner to be sent advising that prosecution proceedings will now be instigated. Notice held in abeyance until determination of application 16/03696/DOM 30.03.17 – application remains pending consideration 16.08.17 – application refused and appeal lodged awaiting start letter. 10.11.17 – appeal against 16/03696/DOM dismissed New compliance date 30.04.18

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WE/15/00135/ CONWST (Reg Hawks)	Land west of The Bridle Lane Hambrook	Without planning permission, the excavation of top soil, deposit of hardcore to form a track	15.10.15	EN WE/33 issued – Appeal lodged Appeal dismissed – new compliance date 13.12.16 16.01.17 – letter before action sent to comply by 13.02.17 13.03.17 – no change following site visit. 04.04.17 - Commence prosecution proceedings 19.04.17 – prosecution paperwork forwarded to Legal but held in abeyance pending site visit; 30.05.17 – further SV observed that the hardsurface access track had not been removed – Legal Services instructed to proceed with prosecution. 13.09.17 – authority given to commence prosecution proceedings. 25.09.17 – prosecution held in abeyance awaiting outcome of application 17/02579/FUL 24.10.17 - application returned as invalid 18.01.18 – consult Legal on prosecution case 09.03.18 – fresh application to be submitted taking account of the issues highlighted by the Council. NFA at this stage. 03.04.18 – as above

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WE/15/00322/ CONENG (Reg Hawks)	Land west of Jubilee Wood Hambrook Hill North Hambrook	Without planning permission the construction of a storage compound	20.01.16	EN WE/34 issued Compliance date 02.06.16 14.09.16 - application refused under WE/16/00565/FUL 27.09.16 – letter before action sent for compliance. 10.11.16 – site visit revealed storage compound demolished. Partial compliance achieved – defer removal of the materials from the land pending outcome of s78 appeal 19.05.17 – appeal dismissed. 03.07.17 – letter sent seeking removal of debris/materials 07.08.17 – application received for proposed open fronted pole barn on the land. Await the outcome of this application (17/02244/FUL) before taking further action. 13.03.18 – application pending consideration 03.04.18 – as above
WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard		26.02.18 – authority given to issue notice WE/40
WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles		26.02.18 – authority given to issue notice WE/41

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WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of metal skips, building materials, scaffolding equipment, lifting platforms, storage racks, engine parts, commercial vehicles, HGV's, redundant vehicles and truck bodies		26.02.18 – authority given to issue notice WE/42
WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to a mix use of a civil engineering contractor's yard, for the storage and use of the building for vehicle repair and servicing.		07.04.18 – authority given to issue notice WE/43
WE/16/00094/ CONMHC (Reg Hawks)	Racton View Marlpit Lane Hambrook Westbourne	Without planning permission, change of use of the land to a mixed use for agriculture and the stationing of a mobile home for the purposes of human habitation	09.01.17	EN WE/38 issued Appeal lodged – Public Inquiry to be held on 01.05.18 at CDC and conjoined with s78 appeal under file ref: 16/03010/FUL

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WE/16/00191/ CONCOU (Reg Hawks)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representation PINs site visit awaited
WI/14/00365/ CONCOU (Steven Pattie)	Northshore Yacht Limited The Street Itchenor	Without planning permission change of use of the land for the storage of boat moulds	08.04.16	EN WI/21 issued Compliance date 20.11.16 12.1.17 – site visit showed partial compliance achieved. Operator of site confirmed that works would continue once ground has dried out. 07.04.17 - Continue monitoring to check full compliance. 04.07.17 – Site visit to be carried out in July 13.07.17 – Site visit carried out and letter sent to the owners Re outstanding issues in the site and new boat moulds stored in the northern field along with other paraphernalia 20.09.17 – owner advised that failure to clear land in compliance with the EN will be prosecuted and that further EN will be served to clear remainder of land unless it is cleared voluntarily. 26.01.18 Site visit carried out and discussed with the occupiers of the land for the completion of the clearance of the southern field. 12.03.18 Due to the continued storage of moulds and other paraphernalia on the northern field not subject to the EN WI/21 following discussions with the occupier of the land and further to the remaining moulds and paraphernalia on the land which has not been cleared a new Enforcement Notice is to be issued in respect to this separate parcel of land.

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WW/16/00257 CONACC (Emma Kierans)	Land north of Elms Lane West Wittering	Without planning permission formation of an access onto a highway	16.08.17	EN WW/44 issued Compliance date 27.12.17 04.01.18 - Notice not complied with. Discussions with Highways WSCC on joint action to prosecute. 02.04.18 – discussions with WSCC in progress
WW/16/00163 CONBC (Emma Kierans)	Land North of Chaucer Drive West Wittering	Breach of condition – pond landscaping	20.12.17	BCN WW/48 issued Compliance date 18.01.18 22.01.2018 – recent site meeting with developer has agreed that works of compliance will be undertaken. Notice complied with. Remove from next list

Agenda Item 11

Chichester District Council

Planning Committee

Wednesday 18 April 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
<u>17/01892/DOM</u> Selsey Parish Case Officer: Maria Tomlinson Householder Appeal	47 Wellington Gardens Selsey PO20 0RF - Retrospective single storey detached outbuilding ancillary to the house.
<u>17/01679/DOM</u> West Wittering Parish Case Officer: Maria Tomlinson Written Representation	Chislehurst 53 Marine Drive West Wittering PO20 8HQ - Two storey front extension, rear extension and conversion of loft space to habitable accommodation.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="86 353 304 427"><u>17/01790/FUL</u> Bosham Parish</p> <p data-bbox="86 483 488 517">Case Officer: Rachel Ballam</p> <p data-bbox="86 551 261 584">DISMISSED</p>	<p data-bbox="523 353 1362 465">Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport.</p>
<p data-bbox="437 647 1023 680">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="86 687 1418 2045">“...The appeals are dismissed and planning permission and listed building consent for demolish existing garage, erect 1 No. 2 bedroom detached cottage, erect carport are refused... - Whether the proposed development and works would preserve the special architectural or historic interest of the listed building or its setting, and - In Appeal A only, in addition, the effect that the proposed development would have on the SPA... The historic architecture, traditional form and materials of the cottage are important to its historic appearance and rural character. They also contribute positively to the special architectural interest of the listed building, and to its significance as a historic rural dwelling... the openness around the cottage, in its gardens, by the garage complex, and in the adjoining streets, makes a positive contribution to the significance of the heritage asset because they enable it to be appreciated by its occupiers and members of the public. The openness around the junction and the views of the cottage from the public domain are also important to the street scenes in Station Road and Williams Road, and to the character and appearance of the area, which is within the wider setting of the listed building. Due to the siting of the garage complex, and the slight bend in Williams Road near its junction with Station Road, the cottage can be appreciated from almost the far end of the lengthy Williams Road. Thus, the listed building and its gardens contribute positively to the sense of place...the dominant and bulky front-gabled dwelling and barn-hipped roofed car port would be unsympathetic to the humble scale and character of the historic cottage. Their form and appearance would also be at odds with the nearby buildings, despite their fairly wide range of types and styles, so the dwelling and the car port would look out of place. Due to their scale and siting, the dwelling would look squeezed in, and the car port would be harmfully prominent, so they would detract from the significance and special interest of the listed building. The car port and new drive would also harmfully intrude into much of the open garden setting to roughly west of the cottage and the new access through the wall would disrupt the sense of enclosure in that important part of its garden. Moreover, the built- up character of the proposal with its hard surfaces and parked cars would unacceptably erode the openness around the listed building that enables its significance to be appreciated. Because the proposal would harmfully disrupt the existing public views of the historic cottage, it would also harm the street scenes in Williams Road and Station Road, and the character and appearance of the surrounding area. Furthermore, as the listed building would be partly screened by the scale, form and bulk of the development within its setting, the proposal would fail to better reveal the significance of the heritage asset. Thus, its important landmark value to the local area in its wider setting would be unacceptably damaged...the proposal would cause ‘less than substantial harm’ to the significance of the heritage asset paragraph 134... its optimum viable use is not relevant. Turning to the public benefits, the new dwelling would make a small but welcome contribution to the supply of housing within Bosham and the District, but there is little evidence to show</p>	

Reference/Procedure - Continued

that there are no other more suitable sites for a dwelling... public benefits would not be enough to outweigh the less than substantial harm that the proposal would cause... the proposed development and works would fail to preserve the setting of the listed building... , no planning obligation to secure the required financial contribution has been put to me. Thus, I consider that the proposed development would have a significant adverse effect on the SPA. It would be contrary to LP Policy 50 which aims to protect designated internationally important wildlife sites, and the Framework which aims to conserve the natural environment...

COST DECISION The application for an award of costs is refused... There is no suggestion that the appellants sought formal pre-application advice from the Council, but it seems that there was some delay whilst the Council validated the applications and some difficulty contacting its officers. Even so, the Council contacted the appellants' agent (agent) regarding its concerns about the appeal scheme on 21 August 2017, before the expiry of the 8 week period on 24 August 2017. This gave the agent the opportunity to discuss the applications, which were to be refused, in the interests of customer care, and/or to withdraw them. The agent did not respond to the Council until 1 September 2017, which was after the 8 week period had passed, so the applications were not determined within 8 weeks. As the appeals were made on 20 September 2017, the applications were not determined by the Council. The Council's 'decision notices' dated 19 October 2017 were issued in error and this was explained in a letter to the agent on 1 November 2017. The purported reasons for refusal in the Council's statement are reasonably complete, precise, specific and relevant to the applications... matters involving judgement seldom result in an award of costs... the Council has substantiated its case... the Council's behavior, in not requesting a planning obligation to secure a financial contribution for SPA mitigation, was reasonable... the Council has submitted its representations, including its questionnaire and statement, in a timely manner during the appeal process. I therefore find that unreasonable behavior resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated...

17/01791/LBC
Bosham Parish

Case Officer: Rachel Ballam

DISMISSED

Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport.

As Above

Reference/Procedure	Proposal
<p>* <u>16/00492/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: James Cross</p> <p>DISMISSED</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>

Appeal Decision: APPEAL DISMISSED

The main issues are: The effect of the proposed development on the character and appearance of the area; The effect of the proposed development on highway safety. And - The effect of the proposed development on the Chichester and Langston Harbours Special Protection Area. The general pattern of development within the area immediately surrounding the appeal site is of buildings in spacious garden surroundings... The proposed building would have a more modern appearance than many surrounding buildings, but this would not be out of character with their varied appearances. However, it would also have a noticeably larger scale and mass than its immediate neighboring homes. I appreciate that there are other large new developments in the wider area, but these are orientated to face the main road. The proposed development would be aligned with a narrow local road and its larger proportions, when viewed in comparison with its neighbors, would exaggerate its size and cause it to appear cramped within the constraints of the site. This would be directly at odds with the character of both older and newer surrounding development, with its impression of spaciousness in an ordered layout... open space around the proposed building would be mostly limited to the street frontages, and this would be at odds with the pattern with surrounding development, further suggesting the cramped layout of the proposal in comparison with the other properties in the area. Together, these variances would cause the development to appear incongruous and obtrusive within its setting. I therefore generally include that the proposed development would be harmful to the character and appearance of the area... Kimbridge Road has a narrow carriageway, and parked cars reduced it to a single trafficable lane at the time of my visit. It has a shallow bend to the south of the site, where I noticed that larger vehicles using the road during my visit had restricted passage. 9. The unusually long proposed dropped kerb would substantially restrict the opportunity for on-street parking close to the intersection of Kimbridge Road and Stocks Lane, and this would improve visibility for highway users in this vicinity. There is potential for conflict with vehicles turning into and reversing from the proposed parking area, but given that there would be few overall such movements across the day, the opening of the road in this location the improved visibility would minimise this potential. On balance, these benefits outweigh the risk... The county highway authority's parking standards reflect a maximum provision and together with the advice provided within Local Plan Policy 39, suggest that a flexible parking approach should be followed. There is no evidence before me to suggest that the maximum standard should be rigidly applied in this instance. Where the appeal to be allowed, I consider that the provision of adequate cycle parking would be sufficient to mitigate the net loss of one parking bay. In conjunction with absence of substantive concerns from the county highway authority, I am satisfied that the proposed layout would not give rise to additional risk of significant harm to highway users... no such contributions or measures have been provided. Without mitigation, I cannot be satisfied that the development would not resulting harm to the CLHSPA. Accordingly, I therefore conclude on this main issue that the proposed development could harm the CLHSPA and its purposes, and that it would conflict with Local Plan Policy 50, for the reasons set out above...

Reference/Procedure	Proposal
SDNP/16/04769/FUL Elsted and Treyford Parish Case Officer: Rafa Grosso Macpherson DISMISSED	Buriton Barn Buriton Farm , Buriton Farm Lane Treyford, GU29 0LF - Change of use of existing barn group to a single C3 dwelling and associated works. Change of use of land to the south west of the building group to garden land in associated with the residential use of the barn group.
Appeal Decision : APPEAL DISMISSED	
<p>"... An amended plan and details within the appellant's Statement of Case were submitted with the appeal that would make substantial alterations to the scheme. ... Given that the proposed amendments to the scheme are substantial I have not taken the amended plans into account in coming to my decision. ... Between the buildings and the South Downs Way is a large area of hardstanding used for parking, along with an open area with some piles of debris resulting from the previous works, which the Council suggest is unauthorised. The plans indicate that this would form the residential garden to the proposed dwelling and appropriate landscaping could significantly improve the present appearance and its effect on the landscape and scenic beauty. Nevertheless, such a residential use in this remote and prominent location adjacent to the South Downs Way would be incongruous and lead to harm to the landscape and scenic beauty of the area. ... The site is located within an area of the National Park that is designated as an International Dark Skies Reserve and the site is located within the Dark Sky Core. The proposed development would result in a number of additional windows and some existing windows would be enlarged, including those that face outward toward the surrounding countryside and public footpaths, such as the South Downs Way. This would increase the amount of light emitted from the building. A number of the proposed upper floor windows would be provided with timber louvres that would reduce the amount of light emitted, and other windows would be fitted with glass that reduces light emissions. Reference is made to bedroom accommodation only being lit for short periods and shutters could be provided, although there is no means to ensure this would happen. Given the limited overlooking, particularly given the distance to the South Downs Way, shutters may not be used for reasons of modesty. Taking all this into account, the number of additional or enlarged windows, particularly facing toward the north-west, would result in significant additional light being emitted from the building. For these reasons, I conclude that the proposed development would result in light transmission that would harm the International Dark Skies Reserve. As such, the proposed development would be contrary to Policies RE1 and BE11 of the LP, Policies 1 and 3 of the South Downs National Park PMP and the National Planning Policy Framework that seek to protect the local environment and setting of the surrounding landscape, including protecting and enhancing dark night skies. ... "</p>	

Reference/Procedure	Proposal
SDNP/16/06318/FUL Harting Parish Case Officer : Derek Price ALLOWED	Three Cornered Piece, East Harting Hollow Road East Harting, West Sussex - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family.
Appeal Decision : APPEAL ALLOWED	
<p>“...Character and Appearance</p> <p>The site should be considered as isolated with regard to paragraph 55 of the Framework... The location is contrary to Policy RE1, but Planning Policy for Traveller Sites does provide for sites to be in rural areas, although it further states that sites in the open countryside should be very strictly limited... There does appear to have been some notable and recent degradation of the site itself ... The result is a far less dense form of boundary hedging than was described previously... with the site becoming highly visible to passers-by. This degradation through the lawful use causes harm already, and would make the use of the site and the stationing of the caravans more obvious and hence more intrusive to the landscape character, albeit at short range. The appellant explained that the reasons were that he grazes their horses in return for the accommodation, in addition to his own. This has led to more horses being on the site... it has to be said that the result is a far worse visual effect than seems to have been the case previously. The use of the site would introduce activity and residential paraphernalia to a greater extent than would accompany the use as grazing and stables... A full-time residential use would be materially more intensive, with more comings and goings to schools and other day-to-day activities, extending into the evening... there would be a reduction in the quality of the rural character of the land and hence its surroundings as perceived by users of the roads and footpaths. Each of the previous Inspectors...conclusions regarding a harmful effect on the character and appearance of the area were consistent, and it was the other considerations that led to the positive recommendation, notwithstanding those failings. The present proposal is of a smaller scale... but the change from a non-residential grazing use with stables to a single family residential use together with the grazing and stables would still be a significant one, and in this location within the Park the change would be substantially adverse... the conclusion in this main issue is that in addition to the locational failure to accord with countryside policies, the proposal would detract from its surroundings and the landscape and scenic beauty of the Park would not be conserved. Other Considerations - The level of unmet need for gypsy pitches. The general need identified in the most recent Gypsy and Traveller Accommodation Assessment is summarised at Table 7.5 in the supporting text to emerging Policy SD33... there is a nil figure for need in Coastal West Sussex where the appeal site is situated... The appellant is critical of how robust the Assessment has been... Clearly the appellant and his family are in need and that is unmet... The supply of sites. There is not yet an adopted policy for the supply of sites... the Examination has not yet taken place and adoption will not now be before autumn 2018. As such the Authority is not able to demonstrate a 5 year supply of sites as sought under paragraph 10 of Planning Policy for Traveller Sites... It was agreed at the Hearing however that whilst paragraph 27 of the national traveller sites policy prevents this lack of supply from being a significant material consideration for the grant of a temporary permission, lesser weight may be appropriate. Whether the Authority will be able to meet the need for sites and when. On the basis that Policy SD33 and the evidence base is accepted by the Examining Inspector...</p>	

Reference/Procedure - Continued

it appears that the identified need may be met... the Authority did suggest that further sites could be put forward for consideration at the Examination, and paragraph 7.114 of the supporting text does state that very limited opportunities have been put forward previously for consideration and that the Authority does not own land for such use. It seems reasonable to conclude that even if the Plan is adopted to its now slipped timetable, pitches will not likely become available until a year or so later. *The failure of policy.* The Local Plan for the area of the Park where the site is located dates from 1999, although subject to later review as to which policies may be 'saved'. There is no saved gypsy or traveller policy, a matter commented on by the Inspector in 2014, when he stated that the situation had not changed since the 2010 appeals. At that time he envisaged policy being in place by 2017, 7 years since those earlier appeals and it is now accepted that the date will be autumn 2018 at the earliest. It has to be concluded that there has been a failure of policy to address the situation in this part of the Park. *The availability of suitable, acceptable and affordable alternative sites for the appellant...* The evidence is that he does not have the funds to obtain another site... In addition, due to family circumstances and schooling, his search area is relatively small ... sites with permission would be more expensive, and do not often come onto the market, a speculative site, but perhaps in an area more acceptable in policy terms, may cause further delay and prolong the situation for the family. *The personal circumstances of the appellant...* the appellant ... lives on various sites as and when he can, his partner lives with her parents. Of the 3 children, one is now out of school and helps with the horses, another stays mostly with the mother, and a 6 year old son spends time with Mr Searle, often travelling some distance to school according to where his father is staying at the time. This last arrangement appears to be incompatible with regular, timely school attendance, or ready access to healthcare. In addition, the uncertain living arrangements are stated to be causing the appellant difficulties in the management of the land As a result not only are the personal circumstances of the appellant and his family matters of significant concern to him, but weight should be attached to the harm that is, however inadvertently, being done to the character and appearance of the area. The best interest of children - The Planning Practice Guidance advises decision makers to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. In this case the educational needs of the appellants' children should carry significant weight as their best long-term interest would be served by regular attendance at school, as well as a stable home life with the family together... *Secretary of State Decisions.* The appellant's agent put forward a view that by calling in the previous appeals, and by disagreeing with his Inspector's recommendation on both occasions, some form of bias or discrimination had been exercised... It is the fact that the 2010 Decision was challenged unsuccessfully, so that it and the unchallenged 2014 Decision stand and are therefore significant material considerations in the present appeal. Both Decisions were taken on a balance between the adverse effects identified by the Inspectors, with which the Secretary of State agreed, and the other considerations put forward in support of temporary permissions, to which the Secretary of State's judgement was to attach less weight. The Courts do not generally become involved in matters of judgement and weight provided it is not perverse or unreasonable. *Planning Balance and Human Rights* - Harm has been found to the character and appearance of the area, within the South Downs National Park, and great weight attaches to that failure... The other considerations, including the best interest of children, do not outweigh the harm sufficient to justify the grant of a permanent permission...

Reference/Procedure - Continued

Permanent permission would consolidate the appearance and activity over a long term and the likely landscaping necessary to sufficiently filter or screen views of domestic activity and paraphernalia would itself be likely to represent an erosion of the rural nature of the roads and open field pattern. However, having mind to the short-term nature of the needs of the children and the limited time available to them to gain an education it is reasonable to consider a temporary permission and this was discussed at the Hearing. Paragraph 014 Reference of the Planning Practice Guidance states that such a permission may be used where it is expected that the planning circumstances will change in a particular way at the end of that period. In this case the children will grow-up and the supply of sites should become more certain, in addition to which a temporary permission would allow the appellant to regain control of the grazing situation and carry out some much-needed reinstatement of boundary treatment, secured by condition in a way that may not be so readily achievable at present. The Guidance goes on to say that it will rarely be justifiable to grant a second temporary permission as further permissions should normally be granted permanently or refused if there is clear justification for doing so... The expectation in this case is that at the end of a suitable temporary period, the need and supply situation would be resolved such that the appellant is able to gain access to a permanent base from which to travel... Significant weight does however attach to the ability to seek remedial works to the degraded boundary and to be able to effectively control future grazing, to the long term benefit of the character and appearance of the area... Residency would provide security for such as electric fences to control grazing... Having mind to the harm that would be caused, the policy constraints of the location and the stage reached in the Local Plan process, 5 years would be too long and would require near-permanent works to avoid undue harm over that lengthy period. Conversely, 2 years would be a somewhat short period in which to allow effective remedial works to the degraded land to be agreed and carried out, and would not allow the family sufficient time to both take up residency having satisfied preconditions, and to address their future housing needs. A period of 3 years from the date of this Decision would however allow time for these actions and would allow the appellant breathing space to re-unite the family and seek a permanent solution to their housing needs whether via the Local Plan or otherwise after its anticipated adoption date. That period would represent a reasonable balance between the conservation of the landscape character and the interests of the settled community on the one hand, and the interests of the children and facilitating the traditional and nomadic way of life on the other... The Decision that follows from the reasoning set out above would be a proportionate approach to the legitimate aim of protecting the environment, and granting permission for the 3 year limited period would have no greater impact on the family's human rights than would be necessary to address the wider public interest. As a result this Decision has had due regard to the Public Sector Equality Duty. Taking account of all matters raised, it is concluded that a 3 year temporary permission should be granted, and in view of the weight attached to the particular circumstances of the family, this should be made personal to them...

COST APPLICATION

I refuse the application for an award of costs... the Statement of Common Ground, this was produced by the appellant in August 2017, but it contained some factual inaccuracies. As highlighted by the Authority, the Planning Practice Guidance cites a failure to complete a timely Statement of Common Ground as an example of behaviour that could lead to a procedural Costs award against an appellant...In many

Reference/Procedure - Continued

ways the factual matters are clear and straightforward, although it is unfortunate that the agent did not correctly state them. The Decision turns on the level of harm and the weight to be attached to other considerations, the facts of the case being, in the main, undisputed, leaving only matters of judgement, and agreement between the parties would not be likely in that event. There is no evidence that the appellant sought to deceive through the inaccuracies and no time at the Hearing was wasted due to the deficiencies of the Statement of Common Ground. The other part of the Authority's Application concerns the prospect of success of the Appeal... the Guidance states a reason for a substantive award of Costs as being where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period... The most recent was the 2014 Secretary of State Decision and although on the same site, was for a materially greater number of caravans. ... whereas the current proposal is for a single static caravan and a tourer, which would come and go, and be smaller and less obvious in any event. There would be a reduction from 2 families to one, with a commensurate reduction in activity as a result... The circumstances of the site and its surroundings may not have changed greatly, although some changes have occurred, but it does appear to be the case that the policy situation has not moved along, rather, there has been delay... The increased time over which that has occurred should be considered a material change in the seriousness of the situation, with only a limited opportunity in time for children to be educated, and it is reasonable that the appellant should seek planning permission again and pursue it to appeal... To conclude, the matter of the Statement of Common Ground is unfortunate but does not indicate unreasonable behaviour, no time was wasted at the Hearing and the time spent by the Authority composing the e-mail of 5 January 2018 was no more than might be expected as their part of the process. There have been sufficient changes since 2014, such as the scale of the proposals and the ongoing, worsening effects on the family, to make the renewed application and subsequent appeal a reasonable response by the appellant. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated..."

17/02423/FUL
Hunston Parish

Case Officer: Fjola Stevens

ALLOWED

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.

Appeal Decision: APPEAL ALLOWED

"The appeal is allowed and planning permission is granted for construction of 5 no. dwellings and associated works ... The main issue is whether Condition 8 is reasonable and necessary to protect the character and appearance of the Chichester Ship Canal (canal) and to conserve biodiversity interests on and near the site. ... The condition in dispute refers to approved plan 0861/LB01 Revision 02, which shows the plots of the 4 dwellings and a raised 'terrace forming min 2 m wide landscape buffer' (buffer) within the site by its north-west boundary. ... The appellant wishes to vary the condition to include a gate from each plot to give access to the canal tow path, to replace the proposed buffer

Reference/Procedure - Continued

planting with grass and low level planting, and to omit the post and rail fence. A tall hurdle fence has been erected within the site, roughly 300 mm from the north-west boundary, and the gates are in place. ... Although the hurdle fence is barely visible, its rustic appearance harmonizes with the rural area on the opposite side of the canal. Its natural form and materials provide a sympathetic backdrop to the planting in views from the canal. By contrast, the erection of the solid timber gates has made unsightly gaps in the planting. The hard edged solid forms of the gates have a suburban appearance, which draws attention to the nearby partly screened dwellings, and the gates contrast starkly with the planting and the hurdle fence. The number and pattern of gaps in the planting also harmfully disrupts its important visual continuity. ... The gates also block sunlight at times to the detriment of the planting, and their use would be likely to maintain or enlarge the damaging gaps in the vegetation. ... As most foot and cycle traffic is confined to the tow path, and the other side of the planting is partly enclosed by the hurdle fence, the use of the gates would be likely to disturb nearby wildlife. As the comings and goings through the gaps would wear away the existing planting, trample undergrowth, and reinforce the discontinuity in the planting belt, they would be likely to have an adverse impact on, and would thus fail to conserve, ground and lower level fauna and flora. Thus, the gates and the gaps damage the natural environment and erode its biodiversity value, contrary to LP Policies 40, 48 and 49 and the Framework which aims to conserve the natural environment. Because the gates and gaps are not necessary, and they are harmful, it would not be reasonable to impose the part of the appellant's suggested condition that would allow them. ... Apart from the damage caused by the installation of the gates, which has been considered above, because it is outside the site, the canal side planting would barely be affected by the development. Thus, its important positive contribution to the character and appearance of the canal and to biodiversity interests would be conserved. ...As the development would have almost no effect on the planting, the buffer would not be necessary to conserve biodiversity interests on or near the site, or to safeguard its important contribution to local biodiversity networks. Thus, it would not be reasonable to impose the condition... Because the buffer is not necessary, the requirement for the post and rail fence to physically separate it from the gardens and the soft landscaping within it are also not necessary. ... As the private gardens would extend up to the hurdle fence by the canal, and as the existing and future occupiers would reasonably expect to choose planting for their private gardens, the Council's suggested conditions to exclude the terrace from the gardens and for landscaping would not be reasonable...For the reasons given above and having regard to all other matters raised, whilst the gates are not acceptable, the appeal otherwise succeeds."

17/01485/DOM
Plaistow And Ifold Parish

Case Officer: Paul Hunt

DISMISSED

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.

Appeal Decision: APPEAL DISMISSED

"...The appeals are dismissed... the main issue is whether the proposed development and works would preserve the special architectural or historic interest of the listed building or its setting... The historic architecture and the traditional form, scale and use of materials are

Reference/Procedure - Continued

important to the character and appearance of the listed building. They also contribute positively to its special architectural interest and to its significance as a historic rural dwelling... Due to their modest heights, traditional forms, and the spaciousness above them, the outbuilding and link buildings have a subservient character, which visually separates the dwelling from the barn, and which enables the outbuilding within them to be understood. There is little to suggest that the relationship between the dwelling and the barn is historically authentic, but along with the cart-shed and cottage to the north and west of the drive, the surroundings are reminiscent of a traditional farmstead group. The generally open setting to the west of the listed building contributes positively to the significance of the dwelling because it enables its historic status as the principal farmstead building to be appreciated... because the substantial extension would be reached from, and sited on, the west side of the single storey links between the dwelling and the barn it would unacceptably intrude into the important open setting of the listed building. As the extension would also be deeper than the west end of the dwelling, and the cart-shed to the north of the drive would be close by, it would detrimentally encroach into the main route to the front door of the dwelling from the farm buildings and the drive. Thus, the dwelling would be isolated from the barn and enclosed by the extension. The extension would not be as tall as the dwelling. However, due to its scale, form and siting, the extension would be taller and more dominant than the outbuilding and link buildings, so its bulky form would unacceptably erode the important spaciousness between the dwelling and the barn. Because its irregular form and prominent copper sheet roof would contrast starkly with the traditional forms and materials of the existing buildings, the extension would draw attention away from the dwelling and its later additions including its out buildings and the barn. Thus, the unsympathetic extension would detract from the special interest of the listed building, and it would fail to better reveal the significance of the heritage asset. The historic fabric of the dwelling would not be directly affected by the extension. However, the outbuilding and the north link are also part of the listed building, which it is desirable to preserve. The proposal would cause a harmful loss of historic fabric in the west wall of the north link. As it is generally accepted that one of the best ways to preserve a listed building is to keep it in active use, the kitchen in the dwelling would stay in use as a kitchen. Even so, the displacement of at least part of its function to the extension would be likely, in time, to lead to its eventual loss, which would damage the historic plan form and the significance of the listed building. Whilst much of the structure of the outbuilding would be retained, the infill to its walls would be removed, so the sense of space in and around this comparatively rare service building, and its important relationship with the dwelling, would be harmfully diminished... the proposal would cause 'less than substantial harm' to the significance of the heritage asset paragraph 134... I have had regard to the appellant's personal circumstances; they do not amount to a public benefit. As almost no public benefits have been put to me they would not be enough to outweigh the less than substantial harm that the proposal would cause... I consider that the proposed development and works would fail to preserve the special architectural interest of the listed building and its setting...

Reference/Procedure	Proposal
<p>17/01486/LBC Plaistow And Ifold Parish</p> <p>Case Officer: Paul Hunt</p> <p>DISMISSED</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>
Appeal Decision: APPEAL DISMISSED	
As Above	
<p>* 16/03751/FUL Southbourne Parish</p> <p>Case Officer: James Cross</p> <p>DISMISSED</p>	<p>Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA - Change of use of existing storage building to a 2 bed holiday let.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“The appeal is dismissed. The main issue is whether the building would be capable of conversion into a holiday let, having regard to the character and appearance of the area, the proximity to services and facilities, and the need for additional tourism accommodation in the area... The proposal would largely retain the existing size and appearance of the building... It would result in new walls and ceilings built off the floor slab and these new walls would support the existing structure, with substantial replacement of the existing roof coverings. The Structural Report suggests that the floor could be retained or replaced with a lower floor to increase the head room within the proposed unit. However, the Flood Risk Assessment requires the finished floor level be raised to ensure it would allow for a 1 in 100 year flood event level, including allowance for climate change. Given the extent of the works required to enable the use of the building as a holiday let, the proposal would require significant alteration or rebuilding that would be beyond what could be considered a conversion. For these reasons, I conclude that the proposed development would harm the character and appearance of the landscape that is within the AONB. As such, it would be contrary to Policies 2, 30, 45, 46, 47 and 48 of the LP that seek to maintain the character of the area, ensure development would have a minimal impact on the landscape and rural character and, in the case of holiday uses, limit the change of use of buildings in the countryside to traditional buildings of architectural or historic merit. Policy 46 of the LP also requires buildings to be capable of conversion without the need for significant extension, alteration or rebuilding. ... Given this location adjacent to the settlement, the proposed development would not be isolated. Outside the village, the policy states that development is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification in accordance with Policies 45-46 of the LP. Given the proximity of the proposed development to the settlement with links to the surrounding area including attractions such as the city of Chichester and the AONB, I conclude that the location of the proposed holiday let would be acceptable in terms of its proximity to services and facilities and would support rural diversification. Consequently, in those regards, it would comply with policies 2, 45 and 46 of the LP. ... I have concluded</p>	

Reference/Procedure - Continued

above that the proposed development would result in harm to the character and appearance of the landscape. So it would not maintain the tranquility and character of the area and would impact on the natural environment, albeit it that would otherwise not conflict with Policy 30 of the LP. ... I have found that the proposed development would have economic benefits in providing additional tourism accommodation and in supporting local services and facilities. However, that is not sufficient to outweigh the harmful environmental effect the works would have on the character and appearance of the landscape. “

SDNP/17/00294/FUL
Sutton & Barlavington Parish

Case Officer: Beverley
Stubbington

1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/0149/HOUS and SDNP/12/12050/LIS).

DISMISSED

Appeal Decision: APPEAL DISMISSED

"... Its character, as is shown by the submitted survey photograph was a simple and functional low-key agricultural building. the building is or was located adjacent to the highway, The Street, and within the curtilage of the Grade II listed No. 1 Sutton Hollow. ... Partial reconstruction resulted in deviations for the approved plans. ... The principal road side wall has been rebuilt in its entirety and the original roof, including all the roof timbers has been removed. ...The plans also show that the ground level at the north end has been dropped, which may be as a result of the repositioning and rebuilding of the gable end incorporating glazed French windows. In addition, the 2017 plans show that brick quoins have been added to the north-east roadside corner, and the same brick detailing has been added around the French windows. ... The plans indicate that the footprint has increased. ... Loss of the hatch which was a feature to be retained. ... Prominent externally mounted flue and an increase in the width, depth and height of the lean-to extension. ... Responsibility for comply with the approved plans falls squarely on the appellant. ...so substantial that it amounts to its demolition and reconstruction. ...Followed separately by rebuilding... the structure now on the land have not resulted in the building permitted by the 2012 planning permission. ... The appellant has produces no evidence to substantiate the claimed use as B & B or tourist accommodation. the use of the building as erected is unclear ... erection constituted a breach of planning control. The appellant has in this case failed to discharge the burden of proof in an appeal on legal grounds. ... the sue of the building thereby erected. The use of the appeal building is dependent upon and consequent to the building operations which led to its erection. ... The building is unlawful. ... Description of the use of the appeal building in the allegation subject of the notice as a dwellinghouse is appropriate and reasonable. ... Accordingly the appeal on ground (b) fails. ... The building is unauthorized there is no permission to which any such condition can be imposed. ... The building on the side is not authorized. The original building has effectively ceased to exist because the majority or all of the former building has been demolished or removed as a result of the works undertaken in 2015. ... a new building in the countryside with the curtilage of the listed building. ... This application seeks permission for a self-contained annexe/holiday accommodation and this use could be assured by planning conditions. ... Development is small scale in nature. ... According the significance of this building was as a subservient low-key farm building which was evidence of the evolving history of the host building. ... The historic integrity of the listed former farmhouse is

Reference/Procedure - Continued

harmd by this inappropriate and prominent structure. Consequently the development harms the setting of the listed building and the significance of the former farm group ... National Planning Policy Framework (the Framework) says that this harm should be weighed against the public benefits of the proposal. ... It does not outweigh the harm to the designated asset. ... The Framework also says that great weight should be given to the conservation of landscape and scenic beauty in National Parks, and this outweighs any benefit to the rural economy particularly if, as in this case, that benefit could have been received by another less harmful development. Consequently the effect of the building as constructed seriously conflicts with adopted policy and the purpose of the National Park. It also fails to preserve the listed building or its setting or nay features of special architectural or historic interest it possesses. This outweighs any claimed boost to the rural economy and does not support the grant of planning permission. I have concluded in Appeal A that the listed curtilage building no longer exists and in these circumstances I cannot grant listed building consent and the appeal is turned away. The appeal is dismissed and the enforcement notice is upheld. Appeal B is dismissed. Appeal C is turned away. "

SDNP/17/00295/LIS
Sutton & Barlavington Parish

Case Officer: Beverley
Stubbington

DISMISSED

1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/0149/HOUS and SDNP/12/12050/LIS).

Appeal Decision: APPEAL DISMISSED

As above

SDNP/15/00301/BRECON
Sutton & Barlavington Parish

Case officer: Shona Archer

DISMISSED

1 Sutton Hollow The Street, Sutton, Pulborough ,West Sussex RH20 1PY - Breach of conditions - use and demolition

Appeal Decision: APPEAL DISMISSED

As Above

Reference/Procedure	Proposal
<p>17/00866/FUL West Itchenor Parish</p> <p>Case Officer: Claire Coles</p> <p>DISMISSED</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>
Appeal Decision: APPEAL DISMISSED	
<p>“...The appeal is dismissed... the change of use of Owl Cottage and Pheasant Cottage to a single dwelling other than for tourist accommodation would restrict the supply of tourist accommodation in the area. As such, it would be contrary to Policy 30 of the LP that requires proposals involving the loss of tourist accommodation to demonstrate there is no proven demand for the facility and that it can no longer make a positive contribution to the economy. In addition, given the lack of viability it would also be contrary to Policies 1, 2 and 45 of the LP... the tourist accommodation contributes to the economy of the area, so its loss would have a negative economic impact. The provision of a single dwelling would have a minor positive social impact in contributing to the need for homes in the area where there may be a shortfall in housing land supply. There would be some environmental harm arising from the increased travel by private car, although the holiday cottages are also accessed by private car such that this harm would be minimal. Nevertheless, the economic and environmental harms would significantly and demonstrably outweigh the minor social benefit of provision of an additional dwelling... development would be contrary to the relevant policies of the Council’s Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed...”</p>	
<p>* 17/00670/FUL Westbourne Parish</p> <p>Case Officer: Claire Coles</p> <p>ALLOWED</p>	<p>Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX - Change use of land for the retail use of selling christmas trees for the period of 1 month each year start 24/11 to 24/12.</p>
Appeal Decision: APPEAL ALLOWED	
<p>“...The appeal is allowed and planning permission is granted for the selling of Christmas trees for the period of one month each year start date 24 November to end date 24 December ... development does not harm the character and appearance of the surrounding area. It satisfies Policies 45 and 48 of the Chichester Local Plan: Key Policies (LP) which seek to protect the landscape and the tranquil rural character of the area, and the National Planning Policy Framework (Framework) which aims to recognize the intrinsic character and beauty of the countryside....development is not likely to unacceptably endanger highway safety in Monk’s Hill. It satisfies LP Policy 39 which aims for proposal to have safe and adequate means of access, advice in Manual for Streets, and the Framework which says that development should only be prevented or delayed where the residual cumulative impacts of development are severe... the appellant is aware that a separate application for advertisement consent is required for the associated signage...”</p>	

Reference/Procedure	Proposal
<p data-bbox="84 230 454 302"><u>16/02717/OUT</u> Wisborough Green Parish</p> <p data-bbox="84 358 422 430">Case Officer: Katherine Rawlins</p> <p data-bbox="84 548 263 582">DISMISSED</p>	<p data-bbox="523 230 1364 555">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.</p>

Appeal Decision: APPEAL DISMISSED

“...Principle of development, clearly extra care accommodation does not, as a matter of principle, need a countryside location. Indeed, the evidence before me (for example the list in a report submitted to West Sussex County Council²) shows that such developments are usually located within a built-up area. Taking these matters together, it has not been demonstrated that the appeal scheme would meet an essential, small scale, and local need. As such, it seems to me that even if the appellant’s reading of the ‘requirement for a countryside location’ element of LP policy 45 were to be correct, the appeal scheme would still conflict with the first ‘limb’ of LP policy. Taking these matters together, the appeal scheme would conflict with NP policies OA2(c) and, taken overall, OA5. I therefore conclude that the scheme would conflict with Local Plan and Neighbourhood Plan policies that seek to resist development in the countryside outside settlement boundaries and within a local Landscape the LVA considers that there would be a major/moderate, material, adverse level of effect overall. I agree with this conclusion. Irrespective of the potential to introduce new landscape features in association with the proposed buildings, the open and undeveloped rural landscape of the site would be lost permanently. This would amount to material landscape harm. Taking the scheme’s landscape and visual effects together; I conclude that the area’s character and appearance would be materially harmed. In this regard, the scheme would conflict with LP policy 48 and NP policies OA2, OA5 and EN2 Heritage consider that the open and rural nature of the appeal site contributes significantly to the CA’s immediate setting. I conclude that the significance of the heritage asset would be unacceptably harmed. In my view, this would lie towards the high end of ‘less than substantial harm’ in the terms of the Framework. The proposal would conflict with LP policy 47 and NP policies OA2(d) and EN4 to my mind, the resulting degree of harm towards the Grade II listed building Brookland Farmhouse would be towards the low end of ‘less than substantial’. Nevertheless, this would amount to material harm and the proposal would therefore conflict with LP policy 47 and NP policy EN4 Highways I conclude that the scheme would have an adequate vehicular access. In this context, it would accord with LP policies 8 and 39. I therefore conclude that adequate pedestrian and cycle access would be available between the proposed development and the centre of Wisborough Green. In this regard, the scheme would also accord with LP policies 8 and 39. I therefore conclude that the appeal scheme would accord with national policies that seek to promote sustainable transport planning. Balanced, however these factors are outweighed by my conclusions that the scheme would conflict with Local Plan and Neighbourhood Plan policies that seek to resist development in the countryside outside settlement boundaries and within a local gap, that the area’s character and appearance would be materially harmed with regard to the scheme’s landscape and visual effects, and that the unacceptable harm that would be caused to the significance of the Wisborough Green CA would outweigh the scheme’s

Reference/Procedure - Continued

benefits. In reaching this assessment, I am mindful that the appeal scheme would conflict with the NP. Paragraph 198 of the Framework states that where a planning application conflicts with a neighborhood plan that has been brought into force, planning permission should not normally be granted. To my mind, allowing the present appeal would act to undermine confidence in the neighborhood planning process that has taken place in Wisborough Green. For these reasons, I consider that the appeal proposal would not amount to sustainable development in the terms of the Framework. Notwithstanding that I have found that less weight should be afforded to the scheme's conflict with specific heritage policies, material considerations do not outweigh the other conflicts that I have identified with LP and NP policies. Overall conclusion for the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed

17/00934/FUL

Wisborough Green Parish

Old Helyers Farm Kirdford Road Wisborough Green RH14 ODD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.

Case Officer: Maria Tomlinson

DISMISSED

Appeal Decision: APPEAL DISMISSED

" ... Local Plan Policy Appendix E sets further guidance for the conversion of commercial uses, and includes requirements for marketing. The inclusion of live-work units within the policies suggests that their commercial component is particularly important in contributing to the economic vitality of rural areas. In this instance, the floor space proportion allocated to the 'work' element of the proposed live-work units would be approximately 22%. I have taken account of the appellant's comments that the Council has previously allowed similarly proportioned development in circumstances not dissimilar to the case before me. However, in considering the Council's concerns over the layout of the proposed units, the isolated location of the 'work' element within each unit suggests that it would be ancillary to the residential function. I acknowledge that there is no definition of an acceptable live-work proportion split in the policy context, but in for the above reasons, I consider that the particular circumstances of the proposal and its design justifies further assessment under the criteria of Local Plan Appendix E. There would also be a reduction of the overall amount of the existing employment land, despite the fact that the current business would continue to operate on existing facilities outside the appeal site boundary. I will consider each of three applicable criteria in turn. Firstly, the appellant suggests that the current use of the indoor facility is not viable due to its nonstandard dimensions. However, detailed information has not been supplied in support of this, and additionally the loss of the stables has not been justified. Despite the proposition that alternative facilities could be built on the adjoining site in the future, these are not part of the appeal scheme and there is no guarantee that they would be built. Secondly, there is no evidence of marketing activity having taken place. Thirdly, the appellant notes that existing employment would be maintained, although there is no detailed evidence to demonstrate this. On balance, the requirements of Appendix E have not been satisfied and accordingly the proposal conflicts with the aforementioned policies. The Council has also raised concerns about the impact of a part-residential use in close proximity to the continuing equestrian use of the adjoining site. All major openings within the units would face the operation, and future occupiers

Reference/Procedure - Continued

would have a clear view towards the site. Despite the separation of the converted building to its neighbor, the operation of the facility including the stables and passing traffic could potentially cause noise and disturbance to residents. The appellant's evidence to suggest any avoidance of impact or potential mitigation is limited in this regard. As such, I am not convinced that the future operation of the equestrian facility would not be prejudiced, nor that the requirement of Local Plan Policy 46 to provide proposals that are complementary to existing viable uses would be met. The appellant has raised the possibility that the dwellings could be occupied by workers connected to the continued equestrian use. However, there is no such formal undertaking before me; nor has it been suggested by either main party that the residential component could meet a particular housing need for essential agricultural workers, in the absence of alternative local facilities. As such, I have not given further consideration to this matter. I therefore conclude that the economic impacts of the proposed development, with regard to the replacement of the existing use, its effect on the continuing nearby outdoor equestrian operation, could be detrimental and that it has not been comprehensively demonstrated otherwise. The proposal would conflict with Local Plan Policy 46 and Neighborhood Plan Policy ED1, for the reasons set out above. The south elevation of the building would be altered to accommodate large openings on two storeys, with recessed balconies on the upper level. The Council has suggested that these would cause the building to appear incongruous, and given the lack of similarly nearby contemporary development, I agree with its assessment. However, visibility of the affected elevation would be limited to views from the south and primarily from the adjacent equestrian site and restricted by the retained stables. Accordingly, its impact would be limited and it would not detract from the established rural character of the surrounding area would not be significantly harmed. ... I therefore conclude that the proposed development would not have a significantly harmful impact on the character and appearance of the area. There would be no conflict with Local Plan Policies 33, 45 or 46 or Neighbourhood Plan Policy DS2 in this regard. Together, these policies require design to be of a high quality and appropriate in its context, amongst other factors. Paragraph 55 of National Planning Policy Framework (hereafter referred to the Framework) promotes sustainable development in rural areas, stating the development of new isolated homes in the countryside should be avoided. Although the Framework does not define isolation, it states that such development could be allowed in special circumstances. The proposed development would have a contemporary design and reuse an existing building, but there is no indication that it is particularly exemplary or meets the design standards listed in paragraph 55 of the Framework for development of this nature. Next, I turn to Local Plan Policy 45, which provides additional local context and lists requirements which I shall again consider in turn. The first criterion requires new development to be related to an existing farmstead or group of buildings. I consider this to be the case in this instance. Alternatively, the appeal site is physically close to an existing settlement, although the fact that it can only be accessed via a narrow rural road with no pedestrian segregation is a cause for some concern, suggesting that integration with the village and support of its local established facilities could be difficult for future occupiers of the development. Secondly, the proposal should be complementary to existing viable uses, and thirdly, its design should have a minimal impact on the surrounding rural landscape and character. In my consideration of the previous main issues, I found that this would not, and would, respectively, be the case. Given that the proposal could would not meet all of these criteria, it conflicts with Local Plan Policy 45. ...I therefore conclude that the proposed

Reference/Procedure - Continued

Secondly, the proposal should be complementary to existing viable uses, and thirdly, its design should have a minimal impact on the surrounding rural landscape and character. In my consideration of the previous main issues, I found that this would not, and would, respectively, be the case. Given that the proposal could not meet all of these criteria, it conflicts with Local Plan Policy 45. ...I therefore conclude that the proposed development would not be suitably located, having regard to its rural setting, and that it would conflict with Local Plan Policies 1, 2, 45 and 46, which together require development to be appropriately located, having regard to an established location hierarchy, amongst other considerations. It would also conflict with the Framework, for the reasons set out above. ... Although I have found that the proposed development would not have a significantly harmful impact on the character and appearance of the area and surface and foul water dispersal, it would present economic harm and would be unsuitably located within a countryside setting. It would also have the potential to harm protected species. These concerns outweigh the absence of harm with regard to the former considerations, and provide me with sufficient justification to dismiss the appeal

SDNP/17/01624/HOUS
Woolbeding With Redford Parish

Case officer : Rafa Grosso
Macpherson

DISMISSED

3 Claypit Cottages, Linch Road, Redford
Woolbeding, GU29 0QF - Retrospective proposal to
change existing UPVC casement windows to wooden
sash with panes.

Appeal Decision: APPEAL DISMISSED

" The main issue is the effect of the existing and proposed wooden sash multipaned windows on the character and appearance of the host dwelling and its setting, including the group of Claypit Cottages. ... The casement windows of the dwelling are an important part of this character and whilst there is a good argument that they should be improved with modern replacements offering enhanced quality, safety and thermal efficiency, I consider it important that the casement style and proportions should be retained in a form that is sympathetic with the original building. ... In summary, the windows as currently proposed would have a harmful effect on the character and appearance of No. 3 Claypit Cottages and the group as a whole, namely the pairs of Nos. 1 & 2 and 3 & 4. I am of the opinion that they would draw the eye and be perceived as an incongruous alteration to the original building. ... "

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>16/00933/OUT</u> Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Public Inquiry 2-5 October 2018 Venue to be confirmed</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>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>
<p><u>SDNP/17/03224/FUL</u> Easebourne Parish</p> <p>Case Officer: Rafael Grosso Macpherson</p> <p>Written Representation</p>	<p>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.</p>

Reference/Procedure	Proposal
<p><u>SDNP/16/04519/FUL</u> East Lavington Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>Copse Cottage Norwood Lane East Lavington Petworth West Sussex GU28 0QG - Replacement dwelling and associated garaging.</p>
<p><u>SDNP/17/02266/FUL</u> Fernhurst Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>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.</p>
<p>SDNP/17/00949/FUL Funtington Parish</p> <p>Case Officer: Derek Price</p> <p>Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure.</p>
<p>SDNP/16/00496/OPDEV Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p>Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Insertion of a cesspit and engineering works</p>
<p><u>15/00375/CONCOU</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 22/05/2018 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Without planning permission, the change of use of a building to use as a dwellinghouse. Without planning permission, the erection of a dwellinghouse.</p>

Reference/Procedure	Proposal
<p><u>15/00375/CONCOU</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 27/09/2017 Chichester District Council East Pallant House PO19 1TY</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Change of use of barn to residential.</p>
<p><u>16/00424/ELD</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 22/05/2018 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>10 Acres Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010.</p>
<p><u>17/00838/ELD</u> North Mundham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry 20/03/2018 Chichester District Council East Pallant House PO19 1TY</p>	<p>Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p>
<p><u>15/00202/CONAGR</u> Oving Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Ham Farm Church Lane Oving West Sussex PO20 2BT - Appeal against new agricultural building, earth bund and access track.</p>

Reference/Procedure	Proposal
<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 non-compliance with Enforcement Notice O/11 - O/12.</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 non-compliance with Enforcement Notice O/27 - O/28.</p>
<p><u>16/03997/OUT</u> Selsey Parish</p> <p>Case Officer: Steve Harris</p> <p>Informal Hearing 16.05.2018 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>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.</p>
<p><u>17/01892/DOM</u> Selsey Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>47 Wellington Gardens Selsey PO20 0RF - Retrospective single storey detached outbuilding ancillary to the house.</p>
<p><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing 4.07.2018 Chichester District Council East Pallant House PO19 1TY</p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p> <p>LINKED TO 16/03383/FUL</p>

Reference/Procedure	Proposal
<p><u>16/03383/FUL</u> Sidlesham Parish</p> <p>Case Officer: James Cross</p> <p>Informal Hearing 4.07.2018 Chichester District Council East Pallant House PO19 1TY</p>	<p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p> <p>LINKED TO <u>16/00359/CONTRV</u></p>
<p><u>17/01679/DOM</u> West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Chislehurst 53 Marine Drive West Wittering PO20 8HQ - Two storey front extension, rear extension and conversion of loft space to habitable accommodation.</p>
<p><u>16/00094/CONMHC</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 1-2 May 2018 Chichester District Council East Pallant House PO19 1TY</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ - Appeal against stationing of a mobile home for human habitation</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 - Appeal against change of use to tarmac contractor.</p>

Reference/Procedure	Proposal
<p><u>16/03010/FUL</u> Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry 01/05/2018</p> <p>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><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>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

High Court		
Site	Matter	Stage
Land at Breach Avenue, Southbourne	Challenge of Inspector's decision letter dated 2 nd November 2017	Application lodged 12 th December 2017. Supplementary Statement of Grounds lodged on 7 th February 2018. Awaiting Court's permission to proceed with the claim.
Court Hearings		
Site	Matter	Stage
Decoy Farm, Oving	County Court Claim for Clearance costs	Case Management. Pre-Trial Review: 24 April 2018

Prosecutions		
Site	Breach	Stage
Field West of Five Oaks	Breach of Enforcement Notice	Court date obtained for first hearing on 25 May 2018
The Old Tanneries	Breach of Enforcement Notice	Hearing adjourned to 25 May 2018 for review of compliance

7. POLICY MATTERS

NONE