

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 16 May 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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**

The minutes relate to the meeting of the Planning Committee on 18 April 2018 (*copy to follow*).

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 13 (b).

4 **Declarations of Interests** (Pages 1 - 2)

Details of members personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 11 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **CC/17/03164/FUL - Pret A Manger, 82 East Street, Chichester, West Sussex, PO19 1HA** (Pages 3 - 10)
Change of use from Class A1 to mixed A1/A3 (sui generis).
- 6 **CC/18/00655/DOM - 43 York Road, Chichester, West Sussex, PO19 7TL**
(Pages 11 - 16)
First floor rear extension and rear porch.
- 7 **CH/17/03622/OUT - Ronic House, Main Road, Bosham, PO18 8PN** (Pages 17 - 34)
Outline application with all matters reserved except access for the re-use of previously developed land (comprising car showroom - sui generis use) for residential development of up to 5 dwellings and associated works.
- 8 **EWB/17/03547/FUL - Land East Of 10 Downview Close East Wittering PO20 8NS** (Pages 35 - 46)
Construction of 1 no. 3 bedroom detached dwelling and 2 no. semi-detached, 3 bedroom dwellings.
- 9 **FU/17/01191/FUL - Land At 6 Oaklands, West Ashling Road, Hambrook, Funtington, West Sussex** (Pages 47 - 56)
Change of use of land for stationing of caravans for residential purposes for 2 no. gypsy pitches with 2 no. caravans on each pitch together with formation of hard standing and ancillary dayroom.
- 10 **WE/18/00607/FUL - Woodbury House, Whitechimney Row, Westbourne, PO10 8RS** (Pages 57 - 64)
Creation of a part two storey house with basement and separate carport/garden store. Variation of conditions 2 and 3 from permission WE/16/00721/FUL, to incorporate amendments to various plans and external materials.
- 11 **WW/17/03295/FUL - Izora, 1 Watersedge Gardens, West Wittering, PO20 8RA**
(Pages 65 - 71)
Change of use from public highway pavement to residential garden use.
- 12 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 72 - 80)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 13 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
 - a) Items added to the agenda papers and made available for public inspection

- b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

14 Exclusion of the Press and Public

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers 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)

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

REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

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

Chichester District Council

Planning Committee

Wednesday 16 May 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

Parish: Chichester	Ward: Chichester South
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CC/17/03164/FUL

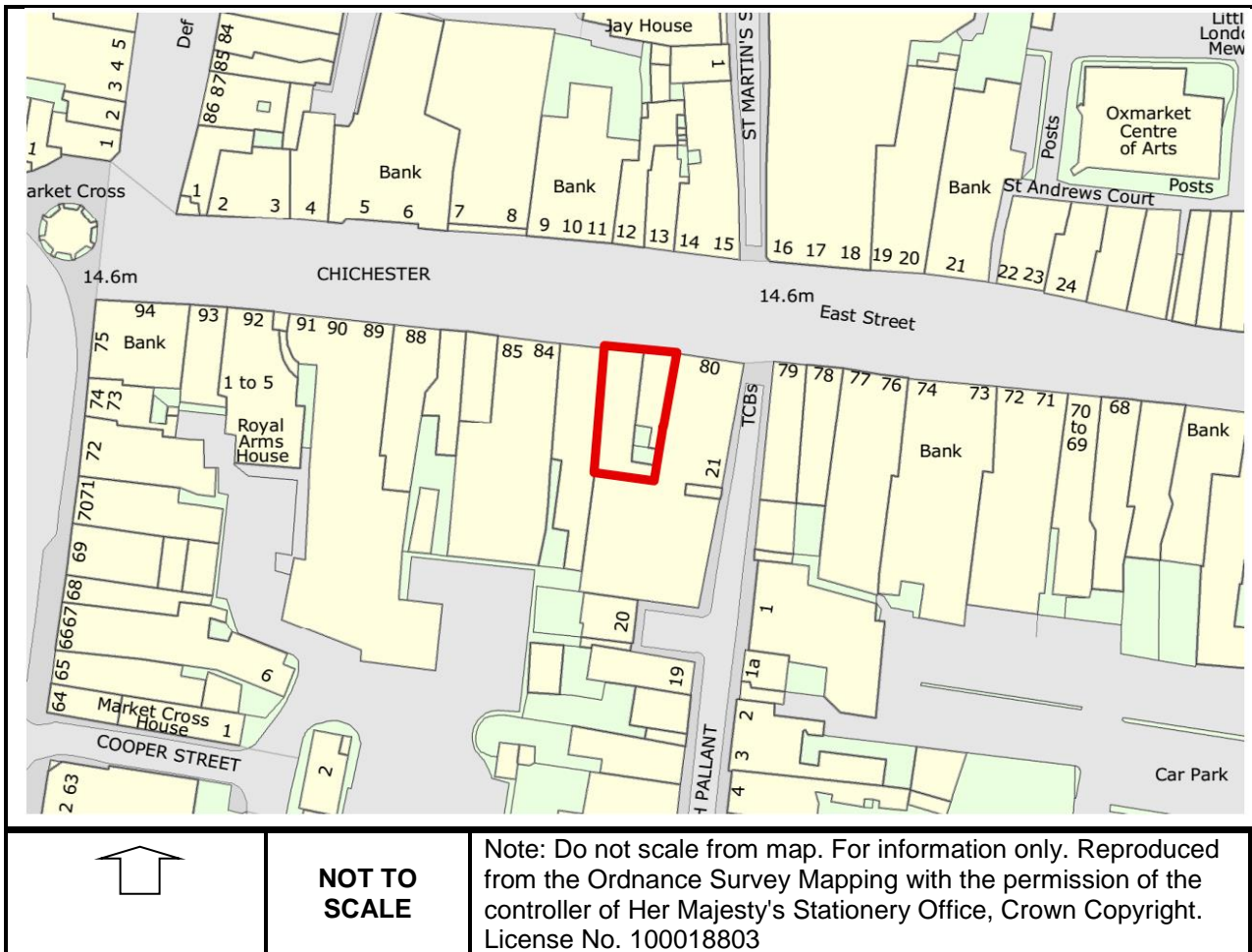
Proposal Change of use from Class A1 to mixed A1/A3 (sui generis).

Site Pret A Manger 82 East Street Chichester West Sussex PO19 1HA

Map Ref (E) 486146 (N) 104796

Applicant Pret A Manger (Europe) Limited

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement boundary of Chichester within its centre, on the southern side of East Street. The application site forms part of the Primary Shopping Frontage and within the Chichester Conservation Area. The site is located to the east of a Listed Building (No. 83 East Street) and is one of a terrace of town houses with tall front elements of historic character with modern extensions to the rear.
- 2.2 The application building (81 and 82 East Street) is a two storey building that is prominent in the street scene with traditionally styled painted stuccoed shopfront and upper floor entablature. The building is modern and, whilst it is not listed, the shop front matches the Georgian classical character of this part of the Conservation Area. Pret A Manger currently occupies the ground floor of 82 East Street and the first floors of 81 and 82 East Street. The ground floor of 81 East Street is currently vacant. The permitted use of both 81 and 82 East Street is A1 (retail). Pret A Manger currently has a food retail area (eat in or take away) on the ground floor of 82 East Street with seating for approximately 85 no. covers, the majority of which are on the first floor above 82 and 81 East Street.
- 2.3 Officers consider that due to the extent of the seating area compared to the food retail floor area the premises are currently operating as a mixed A1/A3 (sui generis use), and as such an unauthorised change of use has occurred within 82 East and across the first floor of 81 East Street.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the change of use of 81 and 82 East Street from a shop (A1) to a mixed A1/A3 (sui generis). This would result in 81 and 82 East Street combining the floorspace on the ground floor to provide 46 additional covers within the ground floor of 81 East Street. The first floor plan remains largely unchanged from the current situation, while the ground floor would retain a similar layout with the food retail area and a small seating area being retained on the ground floor and seating on the first floor of both units. The proposed use could accommodate approximately 131 no. covers in total; 79 no. at ground floor level and 52 no. at first floor level.
- 3.2 Pret A Manger's food offering is such that no primary cooking operations take place on site. The food preparation kitchen (to be located at ground floor) will be used for the preparation and the heating up of food items. The food sold would be consumed on and off the site.

4.0 History

02/03475/ADV	PER	1 no. cream with red lettering fascia sign.
04/01189/FUL	PER	Internal and external alterations to form 1 no single retail unit including demolition of single storey rear extensions and erecting infill extension plus new shop front.

69/00393/CC	WDN	New shop front.
69/00393/CC	WDN	Perspex internal illumination.
80/00259/CC	PER	New shop front.
87/00658	PER	Install new shop front.
87/00836/CC	WDN	Illuminated traditional hanging sign.
88/00040/CC	PER	1 no. non-illuminated fascia sign.
88/00542/CC	PER	Refurbishment of existing retail shop to include new shop front.
88/00582/CC	PER	1 no. non-illuminated brass faced sign.
02/03475/CC	PER	1 no. cream with red lettering fascia sign.
05/00867/FUL	PER	Reversion to 2 no. separate retail units, including modifications to approved shopfront.
05/01492/FUL	PER	Reversion to two separate retail units, including modifications to approved shopfront.
05/03103/ADV	REF	2 no. fascia signs and 1 no. projecting sign.
10/00671/FUL	PER	Alterations and replace the existing shop fronts to allow new door openings that will allow access to new proposed 1st floor sales area as well as the ground floor. New signage and alter existing. 1st floor stock area to include a full shop fit with wall display panels, lighting and new floor coverings.
10/00711/ADV	PER	2 no. replacement fascia signs - non illuminated.
16/01015/FUL	PER	Replacement shopfront and associated works.
16/01016/LBC	PER	Formation of a fire exit door at first floor level structural alterations to party wall and associated works.
16/01017/ADV	PER	2 no. non-illuminated fascia signs, 3 no. window blinds, and 1 no. manifestation strip.
16/01018/FUL	PER	External seating.
16/01021/FUL	PER	Fire exit door and associated works.
16/02574/ADV	PER	1 no. non-illuminated projecting sign.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Objection - the proposal would result in the non-retail shopping frontage exceeding 25% within the primary shopping frontage area contrary to Policy 27 of the Local Plan.

6.2 CCAAC

No objection to this Application in principle, as we feel that the Conservation area benefits from the re-unification of the street frontage of this important building. However, we are concerned that this development will increase the non-retail frontage area of East Street above the permitted 25%.

7.0 Planning Policy

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

Chichester Local Plan: Key Policies (2014-2029)

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 8: Transport and Accessibility
Policy 10: Chichester City Development Principles
Policy 13: Chichester City Transport Strategy
Policy 27: Chichester Centre Retail
Policy 39 Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 47: Heritage and Design

National Policy and Guidance

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

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

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

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

and

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and paragraph 23 (promote competitive town centre environments).

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

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

i) Principle of development

8.2 The application seeks planning permission for the change of use from A1 retail to a mixed A1/A3 (sui generis). The application site is located within the Primary Shopping Frontage in Chichester Shopping Centre. Policy 27 of Chichester Local Plan states that additional non-shopping (A1) uses will be granted at ground floor level where all the following criteria are met:

1. *Additional uses (Class A2 - A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses;*
2. *Additional use results in no more than two non-shopping (A1) uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater);*
3. *Proposal does not prejudice the effective use of the upper floors; and*
4. *Shop window and entrance is provided or retained which relates well to the design of the building and to the street-scene and its setting.*

8.3 According to the Councils retail monitoring records currently 24.94% of the centres primary shopping frontage is non- A1. If this current application were to be approved this would increase to 25.52%, 0.52% over the 25% stated with the above policy.

8.4 Pret A Manger currently occupies the ground floor of 82 East Street and the first floors of 81 and 82 East Street. Although the lawful use of 81 and 82 East Street is retail, officers consider that at present due to the number of covers provided relative to the scale of the food retail area that the existing use is an A1/A3 (sui generis) use. The applicant considers that the proposed additional seating area would result in a material change of use from A1 to a mixture of A1/A3, which for use class purposes would fall within Sui Generis. Officers consider. The application has been submitted with proposed ground and first floor plans and therefore the application would serve to regularise the existing use if permitted. The first floor remains largely unchanged from the current situation, while the ground floor would retain a similar layout of the shop within 82 East Street, with 81 East Street largely made up of seating. The proposed use could accommodate approximately 131 no. covers in total split across 79 no. at ground floor and 52 no. at first floor. This would be an increase of 46 no. covers from the existing position of 33 no. at ground floor and 52 no. at first floor.

8.5 Planning permission would be required to change from sui generis to any other use falling within the use class order or another sui generis use. Therefore a future change of use application could give consideration to the appropriateness of the proposed use and impact upon the town centre. It is recommended to impose a condition that should the A1/A3 (sui generis) use cease that the use of the building would revert back to a A1 use without the need for a planning application.

8.6 The description of the proposed use is a mixture of A1/A3. The 'A1' element of the use is as a result of a significant proportion of sales being for consumption off the premises. The increased amount of seating requires the 'A3' element. However because of the absence of any primary cooking, table service, table menus and the proposed opening times being similar to a retail shop rather than for example being restricted to evenings only, the proposal would retain an element of A1 use, albeit with an increased amount of seating than the current situation.

8.7 The two adjoining units are currently A1 and would therefore comply with point 2 of policy 27. With regard to the upper floors, the first floor remains unchanged from the current situation. The application does not propose any alteration to the current shop front. The proposal would however result in a breach of the 25% non-A1 uses by 0.52%. However, the nature of the proposed use is akin to an A1 use; there is no cooking of food products on site and the unit is open during the business trading hours of most other premises within the City Centre. Having regard to the existing use of the building, the nature of the proposed use in that it is a mixture of A1/A3, and the fact that any further changes away

from this use, to any other use, would require planning permission, it is considered that a 0.52% increase over the 25% policy requirement would not materially harm the vitality of Chichester primary shopping frontage. The application is therefore considered to accord with the principles and purposes of Policy 27 of the Chichester Local Plan.

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

8.8 The application site is located within Chichester Conservation Area. Policy 47 of the Chichester Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. No external alterations are proposed to the building. It is therefore considered the proposal 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.

iii) Impact upon the amenity of neighbouring properties

8.9 82 East Street is currently occupied by Pret and the extension in 81 East Street would not result in the installation of further cooking equipment's or plant machinery. Whilst the increase in the number of covers would increase the activity to the site, given its location within the city centre, it is not considered that the proposals would be detrimental to neighbouring amenity in terms of noise and disturbance.

Conclusion

8.10 Given the minimal proposed works to the exterior of the building, the proposal would not constitute harm to the special quality or character of the Chichester Conservation Area. Furthermore the application does not propose to installation further cooking equipment's or plant machinery and the increased amount of activity to the site is considered not to have a significant harmful impact to neighbouring amenity. It is considered that an increase in non-A1, 0.52% over the 25% policy requirement, would not materially harm the vitality of Chichester primary shopping frontage. The application is therefore considered to accord with Policies 27, 47 of the Chichester Local Plan and relevant paragraphs within the NPPF. On this basis the application is recommended for approval subject to condition.

RECOMMENDATION

Permit subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: CHIC-Pret-01 (Existing Ground Floor GA), CHIC-Pret-02 (Existing First Floor GA), CHIC-Pret-03 (Proposed Ground Floor GA), CHIC-Pret-04 (Proposed First Floor GA)..

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

3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for mixed A1/ A3 use only as a café/ take-away, and for no other purpose (including any other purpose in Class A, of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order, including that there shall be no cooking or primary preparation of food on site).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

4) Should the A1/A3 (sui generis) use hereby approved cease, then the use of the building shall revert to a sole A1 use as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure the use of the vitality of Chichester primary shopping frontage is protected.

5) The premises shall not be used except between the hours of

0630hrs and 1800hrs Monday to Friday,
0700hrs and 1830hrs on Saturday, and
0700hrs and 1800hrs on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

For further information on this application please contact Daniel Power on 01243 534734

Parish: Chichester	Ward: Chichester South
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CC/18/00655/DOM

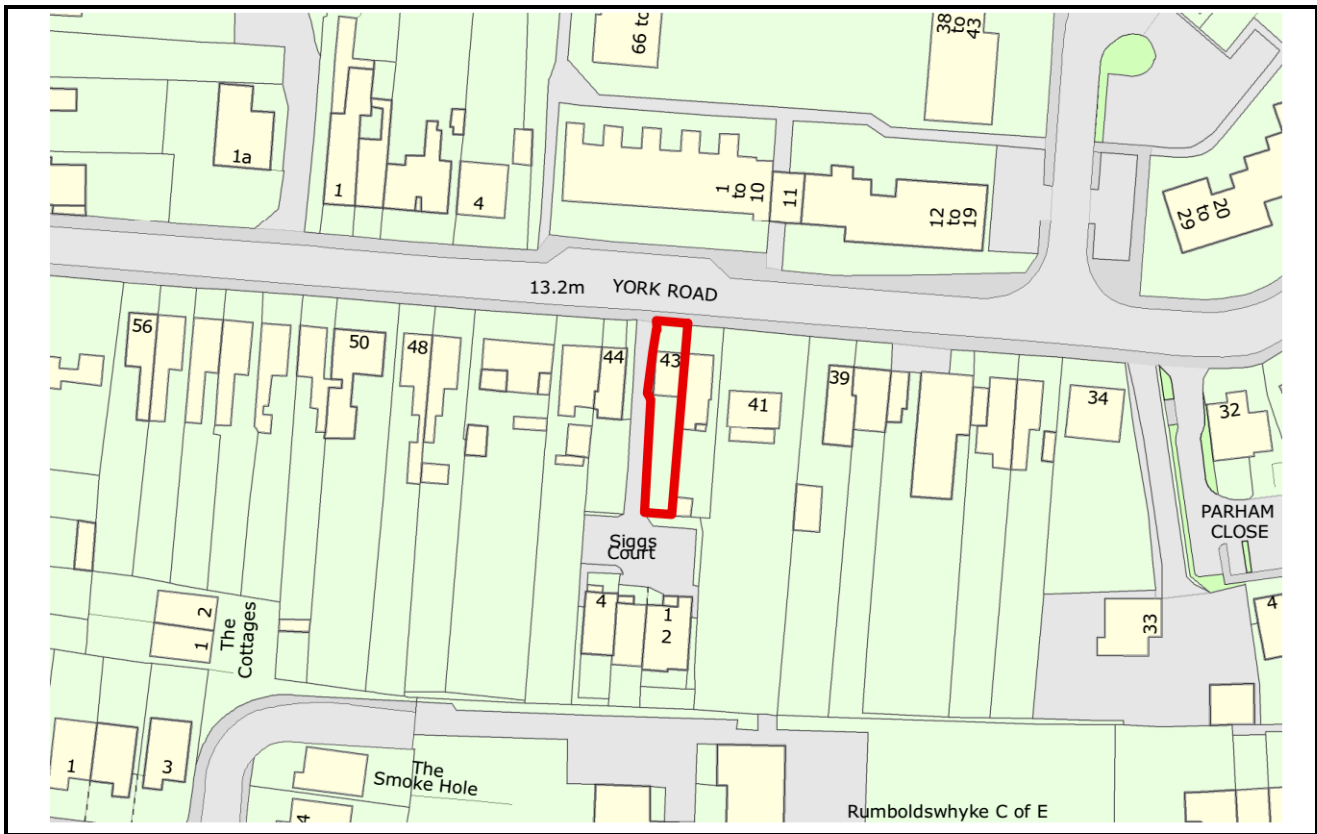
Proposal First floor rear extension and rear porch.

Site 43 York Road Chichester West Sussex PO19 7TL

Map Ref (E) 487144 (N) 104452

Applicant Mr Jeremy Bushell

RECOMMENDATION TO PERMIT



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

1.1 Applicant is an employee of the Council

2.0 The Site and Surroundings

2.1 The application site forms a semi-detached 2 storey dwelling located to the south of York Road within a residential part of Chichester and the Chichester Conservation Area. It is set back from the main road by a front garden area and is aligned on its western side by a private driveway to residential properties to the rear. The dwelling has flint walls with brick detailing and white upvc window units under a pitched roof constructed with slate roof tiles. A single storey brickwork extension has been added to the rear, which is generally well screened from the main road. The site lies within the Chichester City Conservation Area.

3.0 The Proposal

3.1 This application seeks a first floor extension above the existing single storey addition to the rear, and a single storey utility porch to the rear. The first floor extension is defined by the measurements of the single storey addition at 4.2m in width and 4.5m in depth and would have ridge and eave lines that would tie into those of the main house (at 5.8m and 4.0m respectively).

3.2 The porch addition would measure 2.1m in width by 1.5m in depth and would feature a lean-to roof standing 2.5m in height.

3.3 Both additions would be constructed with slate roof tiles and brickwork with upvc window units.

4.0 History

16/02684/PA1A NOPA Single storey rear extension (a) rear extension 4.5m (b) maximum height - 3.2m (c) height to eaves - 2.7m.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

No objection.

6.2 CCAAC

The Committee objects to this application. The use of uPVC windows is unsuitable for the Conservation Area and does not comply with the Article 4 Directive.

6.3 Third Party Representations

1 third party letter of objection has been received from the Chichester Society concerning;

- a) The proposed uPVC windows are unsuitable for the Conservation Area
- b) Insufficient information has been submitted to fully assess the proposals

6.4 Agent/Applicant's supporting information

- a) The existing house already has uPVC windows throughout
- b) The existing flat roof extension to the rear of the house incorporates uPVC window and door units
- c) The only public views of the works will be from a very oblique angle and at a distance from York Road
- d) The proposed first floor plan is left blank to show the limited internal alterations that will be carried out

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 and Design

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 7 and 12 generally.

Other Local Policy and Guidance

7.5 Consideration has also been given to:
CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions

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

The main considerations are:

- i) Principle of development
- ii) Impacts on visual amenities and character and quality of site and surroundings
- iii) Impact on amenity of neighbouring properties

i) Principle of Development

8.1 This site is located within the settlement boundary and is an existing residential dwelling. Extensions to such properties are considered acceptable, in principle, subject to other considerations within the Chichester Local Plan, which in this case includes the impact of the proposal on the Conservation Area.

ii) Impacts on visual amenities and character and quality of site and Conservation Area

8.2 Policy 33 of the Chichester Local Plan states that development proposals should meet the highest standards and be of a design, scale and appearance that is in keeping with the surrounding area and considerate of local character and neighbouring amenity. Policy 47 of the Local Plan establishes that proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, including Conservation Areas.

8.3 The proposed development would be located to the rear of the property and as such would not have a significant effect on the visual amenity of the host building when viewed from York Road. The proposal would be visible in passing through the opening to the private residential lane to the west of the building, but the use of materials to match the existing ground floor extension and brick detailing of the main house will ensure that it would not look out of the place or stand out within the street-scene. The

ridge and eaves height of the proposal would match the existing profile of the dwelling which would also help to assimilate the extension with the current built form.

8.4 The Chichester Society and The Chichester Conservation Area Advisory Committee have objected to the proposal due to the use of uPVC window units; that it is contrary to the Article 4 direction recently issued in relation to the Chichester Conservation Area and out of character with the area. However, the purpose of the Article 4 direction is to bring alterations to windows in to the control of the Local Planning Authority, and for proposals to be judged on their merits and the use of alternative, more traditional materials should be normally be required where it would be appropriate to do so in order to preserve or enhance the conservation area. The dwelling already features uPVC units, and given that the new windows would not be visible from the main road, and only glimpsed from the private drive to the rear the impact upon the character and appearance of the conservation area would not be significant and therefore this would not warrant refusal of the application.

8.5 As such, it is considered that the proposed addition would not detract from the visual amenity of the host dwelling, and it would preserve the character and appearance of the Conservation Area. It is therefore deemed to be in accordance with Policies 33 and 47 of the local plan.

iii) Impact on amenity of neighbouring properties

8.6 The dwelling shares a rear building line with the adjacent 42 York Road, and as such light availability and outlook of neighbouring windows is an important consideration. When visiting the site it was noted that No. 42 also has a single storey addition and as such, the proposed addition would be unlikely to be harmful in terms of loss of light to the ground floor. A rear bedroom window is located 2m from the addition, but as shown on the submitted plans a 60 degree angle would be maintained from this window to preserve an acceptable outlook and minimise the impact upon light to this window. One of the windows within the west facing side elevation of the proposed extension would serve a bathroom. It is deemed appropriate to recommend that a condition be attached to any permission requiring this window to be obscure glazed. There are no other amenity concerns.

8.7 Overall, it is therefore considered that the proposed additions would not result in significant harm to the privacy or residential amenity of the occupiers of neighbouring dwellings, and is therefore in accordance with Policy 33 of the Local Plan in terms of amenity impacts.

Conclusion

8.9 Based on the above assessment, it is considered the proposal preserves the character and appearance of the conservation area, and would not have a significant adverse impact upon the amenities of neighbours and therefore the proposal complies with the Development Plan. There are no material considerations that indicate otherwise therefore, subject to conditions, permission should be granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans submitted on 15th March 2018: 1, 2, 3, 4 and 5

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

3) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), **the development hereby permitted shall not be first occupied until** the first floor bathroom window in the west elevation of the extension hereby permitted shall be glazed with obscure glass. It shall be retained at all times and shall not at any time be replaced by clear glazing.

Reason: To protect the privacy of the occupants of the dwelling and neighbouring residents

4) 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 Luke Simpson on 01243 534734

Parish: Chidham & Hambrook	Ward: Bosham
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CH/17/03622/OUT

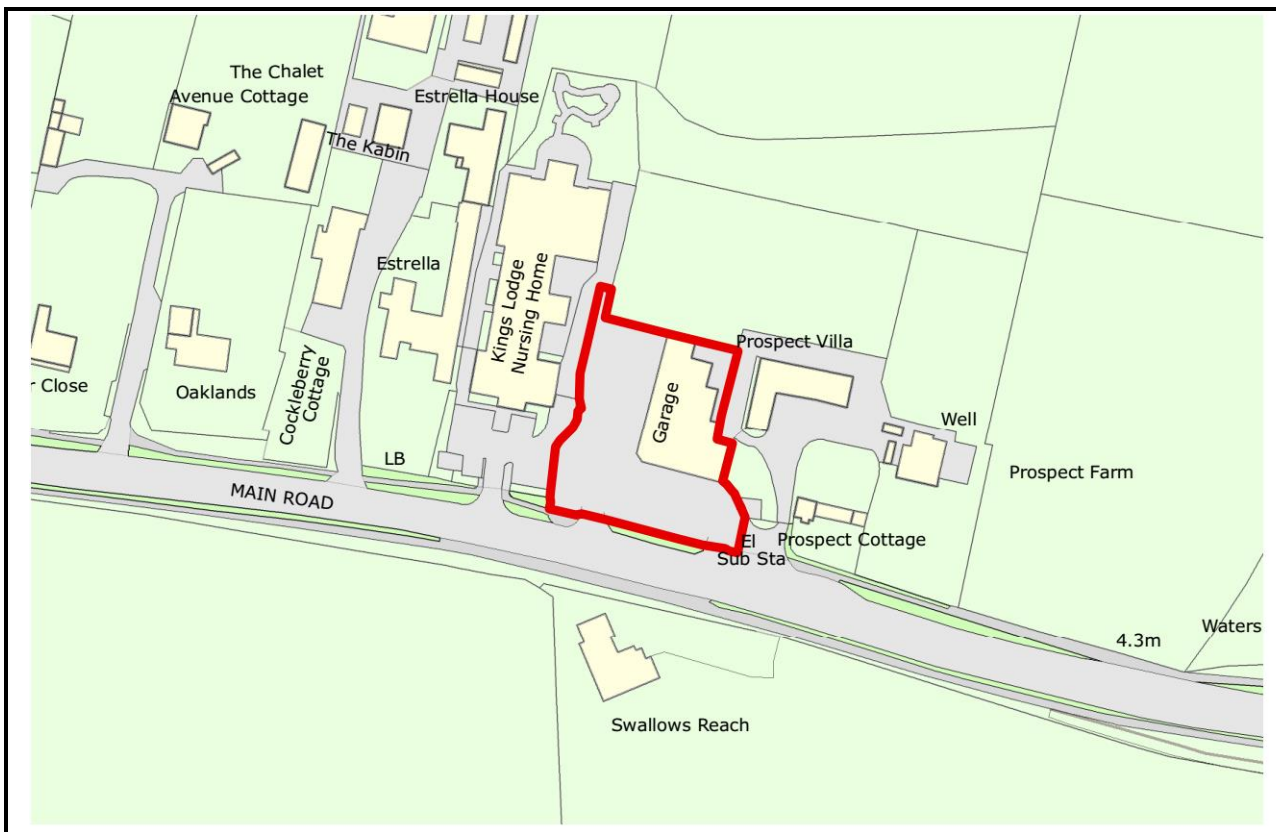
Proposal Outline application with all matters reserved except access for the re-use of previously developed land (comprising car showroom - sui generis use) for residential development of up to 5 dwellings and associated works.

Site Ronic House Main Road Bosham PO18 8PN

Map Ref (E) 479622 (N) 105318

Applicant Mr D Lewis

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the east of the settlement of Chidham, outside of any settlement boundary and to the north side of the A259 Main Road.
- 2.2 The site is flat and comprises a single storey car showroom with glazed and brick elevations to the north east of the site. To the west and south are approximately 30 parking spaces used for the external display of vehicles and customer and staff parking. The main access to the site is located to the south west and a low level brick wall forms the boundary to the roadside. A metal rail fence forms the boundary to the north and west, with planting and a close boarded fence to the east.
- 2.3 To the west of the application site is Kings Lodge Nursing Home; a three-storey brick building which has been significantly extended northward, over time. This is set back from the road, with off street parking to the front. To the east of the application site is a small cluster of single and two storey residential properties; simple brick construction and rendered. To the south of the site, beyond the A259 is a detached two storey property well screened by mature trees and hedgerows. The Bosham Channel lies beyond. The character of the area is semi-rural and is a transition into the open countryside between Chidham and Bosham.

3.0 The Proposal

- 3.1 The application seeks outline planning permission for the demolition of the existing car show room and a residential development of up to 5 dwellings, accessed from the A259. Indicative plans have been submitted providing a layout for five detached dwellings.
- 3.2 The application has been submitted for consideration in outline form for access only, with layout, scale, appearance and landscaping reserved for subsequent approval. An indicative layout and density has been submitted for illustrative purposes. This indicates a linear access road to the west of the site, with resident and visitor parking to the western boundary. Indicatively, the dwellings would be located to the east of the site, fronting onto the A259, and to the north east of the site, with a west facing orientation.

4.0 History

None relevant to the application

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council object to the application as it is outlined. The Parish Council would like to see more consideration given to the housing needs of the Parish residents including a mix of affordable housing, single storey dwellings and homes suitable for first time buyers.

6.2 Chichester Harbour Conservancy

24.04.2018 – No objection

The Planning Officer provided an update in respect of Ronic House, Bosham. He said that the Committee is not now able to maintain an objection on the grounds of policy 26 any further. Express concern about scale on the wider landscape and maintain an objection or ask the council to apply a condition to an outline consent that all dwellings would all be kept to a single storey. Members discussed the various options and members agreed a recommendation that a limitation on height of two storeys be applied.

22.01.2018 – Objection

Chichester Harbour Conservancy, objects on the basis that the development would be likely to increase the adverse effect to the setting of the Chichester Harbour AONB, contrary to Policy 43 of the Local Plan and the spirit of what the Examiner of the Chidham and Hambrook Neighbourhood Plan (NP) recognised as the need to give the AONB the highest protection under Policy 115 of the NPPF, through the implementation of NP Policy LP1. Also, that being employment land, the applicant has not demonstrated through Local Plan Policy 26 that the site has been marketed in accordance with the guidance of Appendix E to the Local Plan, as to why the site cannot continue in employment use, particularly given page 5 of the NP noting a lack of local employment opportunities.

6.3 Southern Water (summarised)

No objection.

No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

6.4 WSCC Highways (summarised)

10.4.2018 - No objection.

The swept path drawing Figure 1.6 demonstrates that a 7.5t panel van can turn within the site in order to exit on to the public highway in a forward gear.

Previously vehicular visibility was demonstrated at 2.4m by 120m, in line with Design Manual for Roads & Bridges (DMRB) sight stopping distance requirements. A suitable level of visibility to the posted speed limit is achievable entirely within the publically maintained highway. An indication of pedestrian inter-visibility has also been annotated on the visibility splays plan by providing a 2m by 2m envelope either side of the access clear of obstructions to visibility above 0.6m. Details of this can be secured via condition and should be maintained in perpetuity.

As per the LHA's previous comments the existing secondary access will require closing off as per the proposed plans and the kerb line/ footway reinstated. The tactile paving either side of the retained access should also be carried out to a licence/ specification agreed with the Area Engineer.

Conclusion

The LHA does not consider that the proposal for 5 x dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

8.02.2018 - Additional information required.

- Sufficient level of parking provided
- Visibility splays as stated acceptable
- Pedestrian splays not been demonstrated- to be secured via condition
- Proposal not anticipated to result in a severe increase in vehicle movements
- LHA require further information to demonstrate that a safe and suitable access is achievable for all modes of transport, including larger vehicles.

10.1.2018 - Additional information required.

- Further information required on access and turning for larger vehicles.
- Pedestrian splays can be secured by condition
- Satisfied the existing access operating without evidence of highway safety concerns.
- Do not raise car parking capacity change
- Bin storage and collection point required.

6.5 CDC Economic Development

When this commercial property was originally built Main Road was part of the route from Chichester to Portsmouth. The A27 was extended approximately 30 years ago and now takes the majority of traffic away from this site. Main Road is now considered to be in a poor location for commercial occupiers who rely on passing trade as it is relatively isolated in terms of transport links, outside of any commercial hub and in a predominantly residential area.

Economic Development accepts the poor state of repair of the current building on site, including asbestos. We acknowledge that the cost of redeveloping the site for commercial purposes would be unviable.

For these reasons, Economic Development would not object to this proposal.

6.6 CDC Housing Enabling Officer (summarised)

No objection.

- No affordable housing contribution can be sought on schemes that deliver less than 6 residential units.

The SHMA recommends that market units should comprise the following mix:

- o 1-2 Bedrooms (35%)
- o 3 Bedrooms (50%)
- o 4+ bedrooms (15%)

Chidham Parish has a large number of 4+ bedroom units. Therefore, we would expect one less 4 bedroom house in lieu of a 2 bedroom property.

6.7 CDC Environmental Health Officer -Contaminated land

Given the previous use of the site for a garage and car showroom there is considered to be potential for land contamination at the site. Conditions PC20, PC21, PC22 and PO14 should be applied. An asbestos survey should be undertaken at the site in case there are any asbestos containing materials present 'informative INF38 should be applied.

It is proposed to develop 5 properties at the site and from the application form it is noted there will be a net decrease in car parking spaces at the site compared to its existing use. Given that the former use was as a commercial site it is considered unlikely that there will be an increase in vehicle movements to and from the site therefore the development is not considered likely to have a significant impact on local air quality. It is not considered necessary to submit an air quality assessment with respect to this development.

Nevertheless, measures to mitigate the impact of the development on local air quality should be put in place and the following should be considered:

' Secure, covered cycle parking should be provided at each property

' Cabling (minimum 7 kW rated) for electric vehicle re charging points should be put in place at the site to 'future proof' the site for this type of vehicle.

Given the proximity to off-site residential properties, a construction management plan should be submitted which covers dust control in particular. This should be agreed prior to commencement of the works and then enforced throughout the development works.

6.8 CDC Drainage Engineer

No objection subject to a condition requiring the proposed surface water drainage scheme to be submitted and approved prior to commencement of the development.

It is noted that there is a reference in the surface and foul water statement to a "combined sewer", we are not aware that there is a combined sewer in this area and surface water flows should not be directed to the foul network.

6.9 CDC Environmental Strategy Officer (summarised)

No objection.

- Lighting scheme to take into consideration the presence of bats in local area.
- Works to trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season 1st March-1st October
- A contribution to offset the recreational disturbance is required due to the sites location within the Chichester Harbour AONB buffer

6.10 1Third Party Comment

- a) Increase in traffic should change mph to increase safety

6.11 Applicant/Agent's Supporting Information

- Confirm the type and style of dwellings will be informed by the Parish Council's comments when it comes to preparing a more detailed design of the new dwellings at a reserved matters application stage.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered.

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision
- Policy 26: Existing Employment Sites
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- 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

7.3 Chidham and Hambrook Neighbourhood Plan:

LP1 Housing and Windfall sites

EM1 Flooding and Drainage

EM2 Chichester Harbour Zone of Influence

EM2 Landscape and Natural Environment

H1 Housing Type and Tenure

H2 Local Need Housing Mix

DS1 New development

DS2 Parking

DC3 Soft Landscaping

National Policy and Guidance

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

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

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

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

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), 17, 22, 29, 50, 56, 57, 60, 61, 93 and 115.

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

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

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD
Joint Chichester Harbour Area of Outstanding Natural Beauty SPD

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Loss of a business use
- iii) Impact on visual amenities and character of the area
- iv) Impact on amenities of neighbouring properties
- v) Highway safety
- vi) Drainage
- vii) Biodiversity
- viii) Other matters

Assessment

- i) Principle of development

8.2 The application site lies outside any settlement boundary as defined by policy 2 of the Chichester Local Plan and policy LP1 of the Chidham and Hambrook Neighbourhood Plan (CHNP), where new development is generally resisted unless it requires a countryside location or meets an essential local rural need. However, policy LP1 of the CHNP refers to windfall sites, which are identified as sites accommodating development of ten or less units on previously developed land. This allows for sites not identified in the Neighbourhood Plan to come forward and the suitability of each site would be assessed in accordance with development plan policies. As such, sites outside the settlement boundary may be bought forward subject to compliance against other development plan policies. The site is located to the north of the A259

which has main public transport connections and cycle routes to the nearby settlements of Bosham (1.3km east) and Chidham/Hambrook (0.8km west) and the city of Chichester and is considered to be relatively sustainable despite its location outside of an identified settlement boundary .

8.3 The site is in an existing business use currently in operation as a car show sales business, which operates under a 'sui-generis' use class. The core principles of the NPPF and paragraph 111 encourage the effective use of land by reusing sites which have been previously developed, particularly if the site is not of high environmental or commercial value.

8.4 If it can be demonstrated that the site is no longer of high commercial value (as ii) below) due to its relationship with main transport networks and neighbouring settlements, it is considered the principle of development of the site to residential would be acceptable, subject to assessment of the additional material planning considerations as outlined below.

ii) Loss of a business use

8.5 Historically the site was occupied by a petrol station, upon this ceasing trading it transferred into a car showroom and forecourt use. The site is currently being used by Lewis Motors for car sales as part of a SsangYong car franchise, following the former franchise Saab ceasing trading in the UK. Due to sustained financial losses since 2007 this use is due to cease. For the purpose of planning the lawful use is sui generis.

8.6 A detailed confidential Commercial Viability Report has been provided with the application. The report focuses on B1 (a), B2 and B8 uses of the site. The report has carried out a full assessment on the existing business use, demonstrating the financial losses experienced since 2012. It notes that the existing showroom has limited capacity to display vehicles. Manufacturer's specifications normally dictate at least 9-10 vehicles; however the existing showroom only has space for 4. Subsequently the use of the existing building is unlikely to meet any major car dealership specifications in terms of showroom space.

8.7 In addition there is no storage for car parts and other equipment on the ground floor, only at first floor where this is impractical. The existing entry doors to the building would not be suitable for industrial users due to the small loading door, which does not meet the required specifications of 5m in height and 4m wide. Furthermore, noise and disturbance associated with potential HGV deliveries from an alternative use would adversely impact on the amenities of neighbouring residential properties.

8.8 Subsequently it is concluded that due to the small size and restricted layout of the existing building, with its proximity to neighbouring properties, compliance with the required specifications for car show rooms is not possible on the constrained 0.18ha site.

8.9 The report sets out a full assessment of the condition of the existing building, noting its budget construction and use of asbestos throughout. In addition the concrete lintels are in poor condition, which are thought to be due to the corrosion of the steel reinforcement, which could be due to the presence of high alumina cement, which

has now been banned. There is evidence of water damage throughout the entire building and the requirement for the wholesale replacement of all timbers and the flat roof. As a result the showroom has a low energy performance rating 'E', measuring at 107, where new buildings measure typically at 25. Subsequently a significant amount of investment would be required to bring the existing building up to modern standards, however due to the condition of the building it is not considered viable to repair and the wholesale replacement of the building would be required.

- 8.10 The report has also explored the option of changing the use of the site. One option could be to revert the building back to a Petrol Filling Station (PFS), however due to the decline in the number of petrol stations due to competitive pricing of larger companies, the gradual introduction of electric cars and the sites location, it is not considered this would be a viable use. The use of the site for business use (B1-B8) has also been explored, however due to a number of large scale modern sites proposed and implemented to the west of Chichester close to the application site (2km); the site's constraints with neighbouring amenity; the fact that rental returns on this type of building, or a new one in this location would not cover its basic costs; the need to redevelop the site and its distance from main road networks, it is considered that the applicant has demonstrated that the site is unlikely to be re-used for employment uses. The CDC Economic Development team agree that Main Road is now a poor location for commercial occupiers who rely on passing trade and is relatively isolated in terms of transport links, outside of any commercial hub, in a predominately residential area.
- 8.11 The report provides a confidential breakdown of the costings and commercial viability of the redevelopment of the site for a business use. This has relied on well founded assumptions, based on nearby commercial developments in Bosham, Hambrook and Chichester. It found a substantial negative land value, meaning the development would not generate any land value whatsoever. Thus, any speculative office redevelopment of the site would be unviable, and this evidence would satisfy both the Local Plan Policy and the NPPF.
- 8.12 Over the last 18 months the premises have been marketed for sale or to let, instructing specialist sales agents and advertising nationally. A targeted sales approach has also been undertaken. These approaches however have not resulted in any interest. The erection of marketing boards has not been carried out, this is due to the display of such boards being off putting for prospective purchasers of the cars and concern about guarantee and validity. Overall the marketing exercise undertaken has been proportionate to the business use operating and subsequently it is considered to meet the requirements of Appendix E of the CLP.
- 8.13 Overall it is considered the submitted report is sufficiently detailed to demonstrate that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses because redevelopment of the site to new commercial enterprises would not be viable in this location. The requirements of policy 26 and appendix E have therefore been met. Subsequently it is considered that the loss of the business use of the site would be acceptable and compliant with local and national development plan policies.

iii) Impact upon visual amenity and character of the area

- 8.14 Policy 45 of the CLP seeks to protect the landscape, character, quality and tranquillity of the countryside, protecting it from inappropriate development. Policy 43 refers to the Chichester Harbour AONB and seeks to ensure the natural beauty and locally distinctive features of the AONB are conserved and enhanced.
- 8.15 The indicative layout proposes a cul de sac form of development, with a linear access road and three properties fronting the A259 and two properties facing west onto the access road. The site would be read in the context of existing built up residential developments of varying heights and densities adjoining the site.
- 8.16 Whilst the application site does not fall directly within the Chichester Harbour AONB, it is visible from the AONB which is located to the south of the A259. Any development on this site would have the potential to affect the setting of the AONB and therefore when the application progresses to the reserved matters stage the proposed scale, appearance and design of the dwellings would need to be subject to careful consideration. The Chichester Harbour Conservancy has recommended that a limitation on height of the properties to two storeys should be applied to any outline permission granted. It is considered that due to the adjoining properties to the west being 3 storeys and to the east being predominately single storey, a limit to the scale of the proposed buildings would be appropriate in order to provide an appropriate transition between plots; leading into the open countryside to the west, and to ensure the landscape impacts are satisfactorily mitigated.
- 8.17 Overall it is considered that, due to the location of the application site alongside existing residential development, the erection of suitably designed dwellings on the site would not result in adverse impacts on the character of the area and the AONB provided the scheme is of a high quality design. Matters relating to layout, scale and appearance would be subject to consideration under any future reserved matters application.

iv) Impact upon the amenity of neighbouring properties

- 8.18 As the application is in outline form with means of access for determination at this stage only, the impact on neighbouring properties would be a matter to be considered as part of a later reserved matters application in relation to layout, scale, appearance and landscaping. However, considering the indicative plans submitted in terms of layout, the proposal would respond well to the properties to the east and west, meaning the relationship and orientation would likely not give rise to overbearing impacts. The design would be subject to further consideration at reserved matters stage, at which point the design of the properties would need to ensure that there would be no undue overlooking or other unneighbourly impacts.

v) Highway safety

- 8.19 The existing vehicular access to the west of the site on to Main Road would be utilised by the proposed development. The Local Highway Authority (LHA) raise no objection to this, subject to the secondary access to the east being closed off. The visibility requirements of 120m visibility splays in either direction would be able to be achieved within the publically maintained highway. The LHA are satisfied that the existing access has been operating safely, and suitable visibility can be achieved, thereby ensuring that the development would benefit from a safe and adequate

means of access. In addition, pedestrian visibility splays of 2m by 2m either side of the access and within the site would need to be provided and kept clear of obstructions over 0.6m in height. These details can be secured by condition.

8.20 It is noted by the LHA that the change of use to residential is likely to see a reduction in vehicular movements. The WSCC Car Parking Demand Calculator indicates a total demand of thirteen spaces for the development. A total of fourteen spaces would be provided and the LHA has confirmed that this would be sufficient. The indicative plan indicates a turning head on site for larger vehicles to ensure they can enter and exit the site in a forward gear

8.21 As such, sufficient information has been submitted to demonstrate that the proposal is capable of achieving a safe access in accordance with policy 39 of the Chichester Local Plan, subject to conditions relating to visibility splays and parking provision.

vi) Drainage

8.22 A foul sewage and surface water drainage statement has been provide with the application. The statement states that foul water would be connected to the foul water sewer and the surface water drainage would comprise permeable surfaces and trench soakaways. The Council's Drainage officer raises no issues in principle, however advises that winter groundwater monitoring and percolation tests to inform the location/depth of the proposed soakage features would be required to support the detailed design. It is appropriate to make such details the subject of a condition in the event that permission is granted, given the outline nature of this proposal, although it may be necessary for the applicant to provide such details as part of any reserved matters application in relation to layout.

vii) Biodiversity

8.23 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate the likely impacts, the applicant has agreed to enter into a full S106 Unilateral Undertaking agreement and make a financial contribution towards the Joint Solent Mitigation Strategy to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

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

viii) Other matters

8.25 The outline application does not at this stage seek to agree the housing mix of the scheme, it has however been confirmed by the applicant that he is willing to take into consideration the comments of the Parish Council and ensure the housing mix is SHMAA compliant. It is recommended that a condition is imposed requiring details of the housing mix to accord with recommendations as made by the Housing Enabling Officer.

CIL

- 8.26 The proposal would result in the creation of three new residential dwellings and would therefore be liable for CIL charge

Conclusion

- 8.27 Based on the above assessment it is considered the proposal has demonstrated the retention of the site in commercial use is no longer viable and therefore the principle of the redevelopment of the site for residential is considered acceptable. The proposal therefore complies with development plan policies and the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

- 1) (i) Approval of the details of the (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to layout, scale, appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

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

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

- 3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1067/DPA01 REV 01, 1067/DPA03 REV 02, 1067/DPA02 REV 01

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

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

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

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

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

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

6) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Groundwater monitoring to establish 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. Attenuation will be designed to accommodate the 1 in 100 year event +40%. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To secure adequate drainage

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

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

8) If the Phase 1 report submitted in condition 7 identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

9) If the Phase 2 report submitted in condition 8 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.

10) 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.

11) Prior to the installation of any external lighting details including luminance levels and direction, shall first be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance to the details and maintained in perpetuity. Any lighting scheme must take into consideration the presence of bats.

Reason: In the interests of protection of protected bat species and the dark night skies.

12) No part of the development shall be first occupied until such time as the vehicular access and tactile paving on both sides of the access point serving the development have been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

13) No part of the development shall be first occupied until such time as the existing vehicular access onto Main Road has been physically closed in accordance with the approved planning drawings.

Reason: In the interests of road safety.

14) No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Main Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

15) 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.

16) 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.

17) **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.

18) **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.

19) **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.

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

Reason: In the interests of residential amenity.

21) The buildings hereby permitted shall not exceed 2 storeys in height .

Reason: In the interests of the character and amenity of the locality, and the landscape setting of the Area of Outstanding Natural Beauty.

22) As part of any future reserved matters that may be submitted and prior to any development hereby permitted commencing, a scheme setting out the housing mix for private and/or affordable housing units shall be submitted to and approved in writing by the Local Planning Authority. The housing mix must take into consideration the comments of the CDC Housing Enabling Officer dated 26.03.2018. Thereafter, the scheme shall be carried out fully in accordance with any such scheme as may be agreed.

Reason: To ensure that an appropriate housing mix and SHMA compliant development is carried out.

INFORMATIVES

1) S106

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

2) This permission shall not purport or be deemed to grant approval to the details submitted as supplementary information in support of but not forming part of the outline application.

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

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

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

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

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

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/03547/FUL

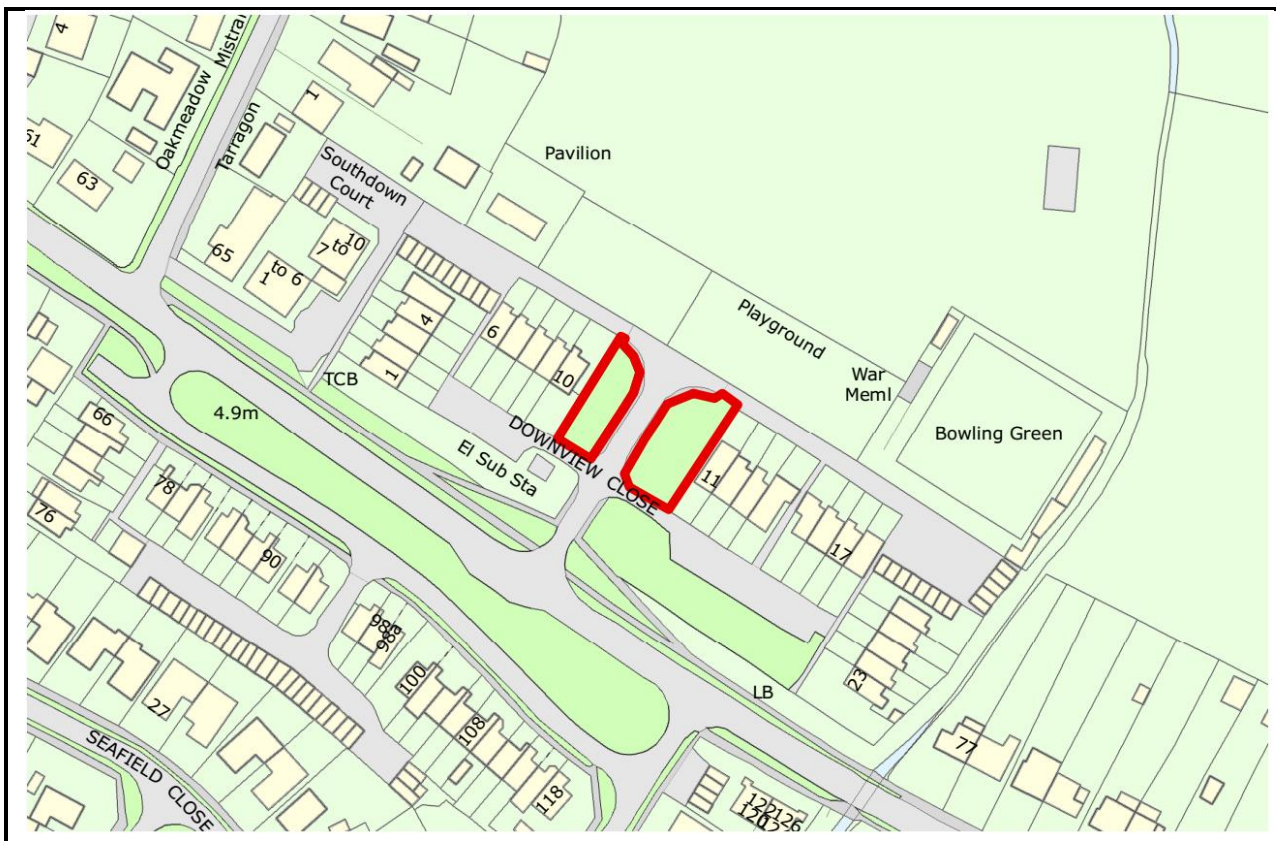
Proposal Construction of 1 no. 3 bedroom detached dwelling and 2 no. semi-detached, 3 bedroom dwellings.

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

Map Ref (E) 480164 (N) 96974

Applicant Mr Simon Cobden

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located in the settlement of East Wittering, situated to the east of the central hub of services and amenities, in an area characterised by residential properties of a terraced 1950s style.
- 2.2 The site comprises two parcels of land between no. 10 and no. 11 Downview Close, with an access road leading to the recreation ground to the north subdividing the site. The land is laid to grass; with a pedestrian footpath alongside side each part of the application site. The bowls club, football ground and children's play park is located to the north and garaging compounds associated with the properties at Downview Close to the north east and west. To the east and west are the terrace properties forming Downview Close. To the south is an area of open landscaped space, which separates Downview Close from Stocks Lane.

3.0 The Proposal

- 3.1 The application follows withdrawn applications EWB/16/01593/FUL and EWB/17/00374/FUL and seeks to address the concerns raised as part of these applications. The proposal seeks full planning permission to erect a pair of semi-detached dwellings to the eastern plot and a detached dwelling to the western plot.
- 3.2 Each plot would retain the footpaths which lead to the recreation ground to the north. The dwelling on Plot 1 would be positioned 2.5m from the eastern boundary and 1m from the western boundary. The dwelling on Plot 2 would be stepped off the western boundary by 2.65m and the dwelling on plot 3 would be positioned 1.25m from the eastern boundary. The proposals would follow the slightly staggered frontage which exists in Downview Close. Plot 1 would be detached, measuring 6.6m x 11m, with an eaves height of 5m and a ridge height of 6.9m. Plots 2 and 3 would be semi-detached, measuring 5.4m wide and 11m deep. They would also have an eaves level of 5m and a ridge height of 6.9m.
- 3.3 Internally the proposals would comprise an entrance porch and W.C, leading into a kitchen/diner and lounge to the rear. At first floor each plot would follow the same layout; three bedrooms and a bathroom to the rear. Each dwelling would have off road parking for two cars to the front and a cycle and bin store the rear garden. They would be constructed of brick, with weatherboarding at first floor level and a tile pitched roof.

4.0 History

16/01593/FUL	WDN	4 no. semi-detached 3 bed houses with associated parking and landscaping.
17/00374/FUL	WDN	4 no. semi-detached houses with associated parking and landscaping.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION: The location of this site is situated either side of the narrow approach road to Downview Public Open Space which has a children's playground and is also home to the Bowls Club and the thriving Junior Football Club and Youth Club.

Although there is a small area of grass where the Bowls Club, Junior Football Club and Youth Club can park, there is a lot of roadside parking by park users, particularly on match days, which would be rendered impossible if this application is permitted. The open aspect to Downview Open Space allows a free view into the park and playground making it easy to monitor by police and easily accessible by emergency vehicles and the general public. The proposed houses and fencing would obscure the view and effectively close off the park to the detriment of the amenity of the area and give an unacceptable sense of enclosure. We believe that this development could contravene policy 33 of the Chichester District Local Plan.

The approach road and the footpath (which is the only access) is constantly used by children and other members of the public coming and going to the park, some of whom are elderly, and their safety must be a priority. In order to address incidents of anti-social behaviour, and which could possibly re-occur in the future, there is a need for a clean line of sight to enable efficient monitoring. The narrow private access road from Stocks Lane to Downview Public Open Space is the responsibility of the Parish Council and has suffered no significant damage for over seventeen years during its normal use.

Should this application be permitted, then during the construction period, this road and pavement must remain open and safe for pedestrians and vehicles to use the Open Space and any damage to the pavement or road must be made good as a condition of development. There must be no parking of vehicles associated with the construction on this access road, we also ask that this be made a condition if permission is granted. It is imperative that the access road be maintained as a safe place without restricted views or hazards of any kind.

The Council understands the desire of the developer to build on these plots, but thinks that one house each side, with open plan gardens would preserve the aspect and character of the area. The current application is cramming and over development

6.2 WSCC Highways (summarised)

The principle of residential development on this site been established as being acceptable in highways terms under17/00374/FUL. Downview Close is a private road; consequently these comments are for your advice only.

Developer is advised to contact and gain approval from the proprietor of Downview Close

Two off road parking spaces per dwelling considered adequate to meet the needs of the development . There would be need for visitor parking, but it would not be unreasonable to accommodate this off road. It would be difficult to substantiate that a development with a small shortfall in car parking space would result in, or materially exacerbate, any on street car parking issues within the immediate vicinity. The Local Planning Authority would be advised to consider any amenity implications of the parking provision may cause.

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

6.3 Third Party representations

4 third party letters of objection have been received concerning the following:

- a) Loss of trees;
- b) Limited car parking; and
- c) Visibility concerns.

7.0 Planning Policy

The Development Plan

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 29: Settlement Hubs and Village Centres

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 49: Biodiversity

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

National Policy and Guidance

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

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

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

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

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

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

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

Assessment

- i) The Principle of development

8.2 The application site lies within the East Wittering Settlement Boundary as defined by policy 2 of the Local Plan, where new development will be permitted provided it is otherwise in accordance with the Local Plan. East Wittering benefits from a range of services and facilities and is a settlement hub as designated in Policy 2 of the CLP. The principle of development in the settlement boundary is acceptable, depending upon its integration and visual relationship with the character and appearance of the area.

- ii) Impact on amenity of neighbouring occupiers

8.3 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings and policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties. The proposal would be located to the flank walls of either side of properties 10 and 11 Downview Close, in which there are no existing side windows. The porch elements to plots 2 and 3 would be set in line with the neighbouring properties principal elevations and would follow a similar build line to the rear. Plot 1 would be set forward of no.10 with the front build line level with the neighbours porch and the proposed porch projecting forward of this. The siting of the proposal would follow a slightly staggered frontage, which would be in keeping with the character of the area. As such it is not considered there would be any adverse overbearing impacts on neighbouring properties in this regard. The proposal would be set in excess of 65m from neighbouring property to the south and there is open recreation ground to the north. Due to the distance, orientation and design of the proposals there would not be any loss of light or oblique overlooking to the immediate neighbouring properties. Overall it is not considered the proposals would cause harm to neighbouring occupier's amenity.

iii) Impact upon visual amenity and character of the area

- 8.4 The proposal would, in part, infill the gap between numbers 10 and 11 Downview Close. The Parish Council are concerned that infilling this gap would erode the spatial qualities of the area and cause harm to its visual amenity, a concern echoed within a third party comment. Both properties adjacent to the access road would be set back at least 2.5 metres from their boundary with the access and both footways either side of the access, which lead to the recreation ground to the rear, would be retained and there would be soft landscaping to the front elevations. Details of the boundary treatment can be secured through planning condition, ensuring that the character to the front of the property reflects the more open character of the street scene. The recreation ground to the rear would also remain visible through the maintaining of the access road and the stepping of the properties from the boundaries. As a result there would be a gap of 8.8m for visibility through to the recreation ground.
- 8.5 When viewed as part of the existing terrace (Nos11-14) Downview Close the semi-detached properties, whilst separated from the terrace, would continue the form of linear development on the close. By way of their proximity to the existing built form in the street and their overall design which is reflective of the existing properties in the street, it is not considered the proposed dwellings would appear out of character with the visual amenities of the area. The proposal would therefore accord with the NPPF and policy 33 of the CLP which seeks to secure high quality design.

iv) Highway Safety

- 8.6 The hardstanding fronting each property would provide 2 off street car parking spaces per dwelling, providing a total of 6 parking spaces. The WSCC Car Parking Demand Calculator indicates a demand for 6.8- 7 spaces, which includes 1 visitor space. WSCC Highways have been consulted on the application and they advise that it would be extremely difficult to substantiate that a development with a shortfall of one car parking space would result in or materially exacerbate any on street car parking issues in the locality.
- 8.7 Third parties have raised concerns about the displacement of parking through the provision of the three dwellings and the ability to park on road when accessing the recreation ground to the rear. It is acknowledged that on-street car parking can be restricted during match days or events at the recreation ground. To the south of the site, this part of Downview Close narrows and there is existing insufficient space to provide on street parking without encroaching onto the grass landscaped areas, which are not delineated for parking. Furthermore, this part of the road is private and not publicly available for parking of users of the recreation ground and therefore at present there is no provision for parking to the south of the application site. There would be provision for two off road parking spaces for each of the three proposed dwellings. As outlined above there would be a shortfall in the provision of one parking space for the development, there is however unrestricted on street parking available on the surrounding roads away from Downview Close and connecting public footpaths would not be affected as part of the development. It is considered this would be an acceptable arrangement even during times the immediate access road to the recreation ground may be at capacity. The site is not currently used for car parking and the on street parking on the main service road leading to the recreation ground, to the east and west of the proposed properties would

be retained. It is therefore considered the proposal would be afforded an acceptable level of parking that would ensure the proposal would not harm highway safety. The proposal would accord with policy 39 of the CDLP which seeks to ensure that new development does not create residual impacts which are severe.

vi) Recreational Disturbance Mitigation

8.8 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has agreed to enter into an agreement and provide a financial contribution to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

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

vii) Ecology

8.10 The site is laid to grass and fenced off from the wider area. Some years prior to the submission of the application the trees on site were removed. These were not covered by tree protection orders. The grass is kept and due to the sites location it is not considered that there are high possibilities of protected species.

viii) Other matters

The Parish Council have raised concerns about development during the construction period, and wish to ensure that the road and pavement are left clear of parking and any damage is made good. It is considered proportionate to condition a Construction Environmental Management Plan and details regarding parking and storage would be secured as part of this.

Section 106 Agreement

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

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

Conclusion

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

Human Rights

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

RECOMMENDATION

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: 001A, 064/04, 064/03, 064/02

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

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

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

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

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

- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

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

5) No Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration drainage. Attenuation will be designed to accommodate the 1 in 100 year event +40%. Thereafter no building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

6) No development 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.

7) 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.

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

(a) scaled plans showing the location of the boundary treatments and elevations, and

(b) details of the materials and finishes.

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

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

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

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

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

INFORMATIVES

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

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

2) The attention of the developer is respectfully drawn to the requirement to contact the owners of the private road.

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

Parish: Funtington	Ward: Funtington
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FU/17/01191/FUL

Proposal Change of use of land for stationing of caravans for residential purposes for 2 no. gypsy pitches with 2 no. caravans on each pitch together with formation of hard standing and ancillary dayroom.

Site Land At 6 Oaklands West Ashling Road Hambrook Funtington West Sussex

Map Ref (E) 479868 (N) 106957

Applicant Mr Connors

RECOMMENDATION TO PERMIT WITH S106



	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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located in a countryside location in the Parish of Funtington. It is situated to the north of the main A27 and the north east of the settlement boundary of Hambrook. To the north and northeast and south of the site are authorised gypsy pitches. To the east is agricultural land and to the north east authorised travelling showman plots and gypsy traveller pitches.
- 2.2 Access is achieved via an existing shared access track from West Ashling Road, which leads between authorised pitches south towards the application site. It is a rectangular shaped parcel of land, with screening to the east and south. To the west of the site is an existing barn used for purposes ancillary to the existing gypsy sites. The lawful use of the land is agricultural. The site has been laid to hardstanding, with trees and hedgerows forming the boundary to the south. A post and rail fence forms the boundary to the north and east.

3.0 The Proposal

- 3.1 The application proposal seeks the change of use of the land for two gypsy pitches and an ancillary utility building.
- 3.2 The layout of the site would comprise two pitches side by side, with the stationing of the static mobile homes to the south of each pitch. A semi-detached day room would be located centrally in the pitch and there would be provision for the stationing of tourers. The site would be laid to hardstanding and the existing screening to the south would be retained.
- 3.3 The proposed day room would measure 6.5m x 8.5m, and include an eaves height of 2.6m and a clay tiled pitched roof with a ridge height of 4.8m, the exterior walls would be rendered. Internally there would be provision for a bathroom and kitchen. The proposed mobile homes would retain their wheels and axis.

4.0 History

There is none for the application site.

5.0 Constraints

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

6.0 Representations and Consultations

- 6.1 Parish Council

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

1. The proposed development constitutes an over intensification of uses of this nature in this vicinity. The plan marked "existing site" is both wholly inaccurate and misleading insofar as there are at least 27 authorised pitches on the sites immediately to the north and south of the application site which are in common ownership and it is believed that there are further unauthorised pitches on those sites or adjacent thereto.
2. Bearing in mind the very large concentration of pitches in the immediate vicinity the need referred to in the 2nd paragraph of the agent's letter dated 20th April 2017 is questioned.
3. The Parish Council is not satisfied with the proposals for waste/storage and collection referred to in paragraph 9 of the application.
4. Where is the existing septic tank referred to in paragraph 11 of the application? Does the applicant have permission to drain into that tank and is there sufficient spare capacity for 4 new residences?
5. The Parish Council is not aware of the drainage system referred to in paragraph 12 of the application - sustainable or otherwise.
6. Paragraph 14 of the application, what is the existing use of the site?
7. Paragraph 17 of the application - The application is for 4 new caravans on two pitches. Why does that not constitute a gain of residential use?
8. The present access to West Ashling Road appears to serve 3 dwellings. The Parish Council does not consider that it is adequate to serve a further 4 residences.
9. The application is for residences for "Gypsy people". The Parish council is aware that at least 4 of the pitches on the contiguous sites are not occupied by Gypsies or travellers. The application should therefore be dealt with as one for ordinary residential development and not as one for Gypsy or traveller residence.

6.2 Police (summarised)

No objection

- No concerns with layout and design of pitches
- Doors and windows of day room to conform to PAS 024-2012 or equivalent
- External lighting recommended.

6.3 WSCC Highways (summarised)

No objection

- No records of any accidents in the vicinity of the access, subsequently no apparent visibility issues at the access
- The addition of two pitches would not cause capacity issues on the nearby road network.
- Space would exist on site for parking and turning.

6.4 CDC Environmental Health Officer (summarised)

No objection

- Informative required in case any land contamination on site for previous uses.
- Adequate foul drainage required in accordance with EA

6.5 CDC Drainage Engineer (summarised)

No objection subject to conditions

- Recommend hard surfacing is permeable, or adequate drainage provision would be required for impermeable surfacing.

6.6 CDC Environmental Strategy Officer (summarised)

No objection

- Lighting scheme to take into consideration the presence of bats

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Funtington 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 36: Planning for Gypsies, Travellers and Travelling Showpeople

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

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

National Policy and Guidance

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

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

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

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

7.5 Consideration should also be given to paragraphs 4 and 17 (Core Planning Principles).

7.6 In addition to the overarching policies in the NPPF, it is also relevant to have regard to the supporting document, Planning Policy for Travellers Sites August 2015.

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and current gypsy site provision
- ii) Impact upon character and appearance of the area
- iii) Impact on neighbouring amenity
- iv) Sustainable development
- v) Highway Safety
- vi) Drainage
- vii) Nature Conservation

Assessment

- i) Principle of development and current gypsy site provision

8.2 Policy H of the Planning Policy Travelling Sites (PTS) relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and planning policy H for traveller sites and local development plan policies.

8.3 The applicant is accepted to be a gypsy and traveller under the definition in the PPTS. The family is known in the local area and an application submitted by the wider family was subject to an appeal in early 2017 on the site to the south west of the application site ref FU/15/02504/FUL where the inspector found the applicants met the definition of a gypsy and traveller as set out in Annexe 1 of the Planning Policy for Traveller Sites. The agent for the current application has confirmed that whilst the applicant is Felix Connors, the proposed occupier of the site is Miley Connors and his family. The agent has confirmed that the proposed occupiers did not apply for a pitch on the appeal site as aforementioned above.

8.4 The Council has a 9.5 years supply of gypsy and traveller pitches for the entire plan period. The period 2012-2027 seeks the provision of 59 pitches, with the current provision at 58, meaning a shortfall of 1 pitch until 2027. As with any proposed development, provision must be weighed against the policy context and any potential harm that may arise as a result of the use of the land. The application proposal has an identified occupier who meets the definition of a gypsy/traveller as set out in the PPTS; however the permission being sought is to run with the land and not as a personal permission. The principle of the use of the land to provide two pitches would need to be weighed against the material considerations as outlined below in sections ii)-vii). If it can be demonstrated the proposed change of use of the land would have no resulting significant adverse impacts in terms of visual harm, sustainability, drainage or neighbouring amenity, then the proposal for a gypsy and traveller pitch would be acceptable in this location.

ii) Impact upon character and appearance of the area

8.5 Criteria 4 of Policy 36 of the Chichester Local Plan requires that development does not compromise nationally important features. Policy H of the PPTS advises that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan, however where sites are within the rural area LPAs should ensure that sites respect the scale of and do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure. As part of the appeal decision FU/15/02504/FUL to the south west of the site, the appeal inspector found that whilst the appeal site was in a countryside location, it was in an accessible and well screened location. Due to the application sites positioning, set back from the road and public vantage points, bounded by neighbouring gypsy and traveller accommodation, the proposal would comply with the above aforementioned part of policy H.

8.6 The site is located in an area with existing gypsy and traveller pitches (27 in number) to the south, north, east and west of the site. As part of the appeal decision FU/15/02504/FUL in the site to the south west, the appeal inspector permitted 9 pitches, noting the concentration of pitches represented 3% of all households in the parish of Funtington. The Inspector noted the proposal would have represented only half the size of the immediately adjacent cluster of pitches and would be well screened by a hedge. It was also noted that there would unlikely be any social conflict as the two sites surrounding would be owned by the members of the same family. The Inspector concluded the development would not dominate the existing nearby settled or gypsy communities by reason of scale or in any other way so as to significantly harm social cohesion. He concluded there would be no conflict with LP Policy 36(6) or with the PPTS.

8.7 Whilst it is accepted that incremental changes can have a cumulative impact, having regard to the appeal inspectors decision on the neighbouring site, it is concluded that, in the context of the wider gypsy and traveller provision in the area, two pitches would not have an appreciable impact on the nearest settled community and it is concluded there would be no conflict with Policy 36 of the CDLP nor the PPTS in terms of dominating the nearest settled community.

8.8 The site is located outside any specific landscape designations, with the South Downs National Park to the north. It is well screened from public vantage points by existing

vegetation, boundary screening and existing gypsy and traveller pitches. It would therefore not have an adverse impact on the character of the area or wider landscape setting. A similar conclusion was reached by the Inspector in allowing the appeal to the south west of the application site in early 2017 who commented that the site was 'well screened from public view'. Given the low level of development proposed, it is not considered the site would have an adverse visual impact on the character of the wider landscape setting.

iii) Impact upon neighbouring amenity

8.9 Policy 36 of the CDLP requires that development would provide for a reasonable level of visual and acoustic privacy for occupiers and neighbours. The closest neighbouring settled residential property is located to the south west 'North Lodge'. It is considered that due to the distance, orientation, low level nature of the proposal and boundary screening, that there would not be an unacceptable impact on the amenities of neighbouring properties, in particular to their outlook, privacy, available light or noise generated by the development, which is residential in nature.

iv) Sustainable development

8.10 The previous use of the site was land associated with the travelling showman plot to the north west (reference 11/05305/FUL). The land was included in the blue line of the approved location plan attached to that application and appeared to be used as paddock land. It is situated outside any defined settlement policy boundary, but would form part of a cluster of development, with gypsy and traveller sites situated to the north and south west. The site is outside any defined Settlement Policy Boundary. West Ashling Road links directly to Broad Road, which provides a local village shop and Post Office (approximately 1.8km away). Broad Road is the main road through Hambrook which provides direct access to the A259 Main Road, linking to Chichester, Emsworth and Southbourne. Given the nomadic habit of life associated with gypsies and travellers, the travelling distance is considered to be appropriate and would enable the occupiers of the site to access a reasonable range of local services and facilities by public transport. This was considered to be the case by the Inspector when determining the appeal to the south.

8.11 Having regard to the definition of sustainability as set out in paragraph 7 of the NPPF and within the PPTS, the site would not be sustainable for most forms of residential use and would not meet the requirements of the NPPF for permanent settled residential accommodation. However, given the nature of the proposal for gypsy and travellers as outlined above, it is considered to be in a location with sufficient links to local infrastructure to be considered acceptable. The site is therefore considered to be sustainable as defined within paragraph 7 of the NPPF and within the PPTS.

v) Highway Safety

8.12 The site would utilise an existing access onto West Ashling Road. WSCC as the Local Highway Authority have advised they have no objection to utilising the access for two pitches. There have been no recorded accidents or incidents to indicate the existing access was operating unsafely. There would be adequate provision for parking and turning space adjacent to the mobile homes, within the existing hardstanding. Overall it is concluded the proposal would comply with policy 39 of the CDLP.

vi) Drainage

8.13 Policy 36 of the Local Plan (criteria 5) refers to flooding and contaminated land. The site is not located on land identified as being in a flood zone by the Environment Agency. The proposal seeks to connect to the existing cesspit on site, however the PC raise concerns about whether there is sufficient capacity for additional connections. It is understood there have been concerns about the cesspit and the impacts on the source protection zone which the site is located on the periphery of. As such it is considered proportionate to secure further details about the discharge of surface water and foul sewage by planning condition, in the event that permission is granted.

vii) Nature Conservation

8.14 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate the likely impacts, the applicant has agreed to enter into a S106 Unilateral Undertaking agreement and make a financial contribution towards the Joint Solent Mitigation Strategy. Overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

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

Conclusion

8.16 The application is considered to be acceptable, subject to a number of conditions, including a limitation on the use of the site by gypsies and travellers only, together with conditions relating to the number and siting of the touring caravans. The application is therefore recommended for approval.

Human Rights

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

Equalities

8.18 In reaching this conclusion officers have given particular weight to the Equality Act 2010 which states in section 29 that 'a person must not, in the exercise of a public function [which includes the determination of planning applications] do anything that constitutes discrimination, harassment or victimisation'. Officers have sought guidance as to the extent to which this section requires 'positive discrimination' or indeed requires weight to be given to the disabilities of an applicant above and beyond weight normally accorded to 'personal circumstances', but have not been able to identify any government advice or case law which is relevant.

8.19 "In addition to the provisions of section 29 of the Act, s149 of the Act provides the following:

Public sector equality duty:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.20 These duties are triggered by the exercise of functions which include the determination of planning applications that have equality implications. This section must be treated as engaged in this particular case and therefore 'due regard' must be given to the applicant's particular needs. It is not sufficient to have equality in mind at a general or policy level.

8.21 However, the duties do not require a particular outcome. What the decision making body chooses to do once it has had the required regard is for it to decide subject to the ordinary constraints of public and discrimination law.

8.22 In conclusion, the actual needs of the applicant need to be weighed against the harm that this development would cause to neighbours, along with all of the material planning considerations. The decision must be proportionate in the light of all the circumstances of this case".

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: 16_821_001 16_821_003 16_821_004

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

3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites dated August 2015 (or its equivalent in replacement national policy).

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

4) Notwithstanding any details submitted, within 3 months of the date of the decision a scheme for foul and surface water drainage shall first be submitted to an approved in writing by the Local Planning Authority. The scheme shall include a foul drainage assessment and shall be designed so as to ensure that: there is no infiltration of foul or

surface water drainage into the ground except where it has been demonstrated that there would be no resulting risk to controlled waters; the discharge to any watercourses shall not exceed greenfield runoff rates; any discharge to drainage ditches shall be fit for purpose, demonstrating any pipe has sufficient capacity; and an agreed management and maintenance regime is in place. Attenuation will be designed to accommodate the 1 in 100 year event +40%. 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 of the application site and the protection of the Source Protection Zone.

5) Notwithstanding the details provided, within 3 months of the date details of refuse and recycling storage facilities shall be 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.

6) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two shall be static caravans, shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area.

7) No commercial activities shall take place on the land, including the storage of materials. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location.

8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To accord with the terms of the permission and in the interests of protection of this countryside location

9) The day room hereby permitted shall be used for purposes ancillary to the use of the land as a gypsy and traveller site and shall not be occupied as a permanent means of habitable accommodation at any time.

Reason: To comply with the terms of the application and to protect the amenities and character of the area.

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

Parish: Westbourne	Ward: Westbourne
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WE/18/00607/FUL

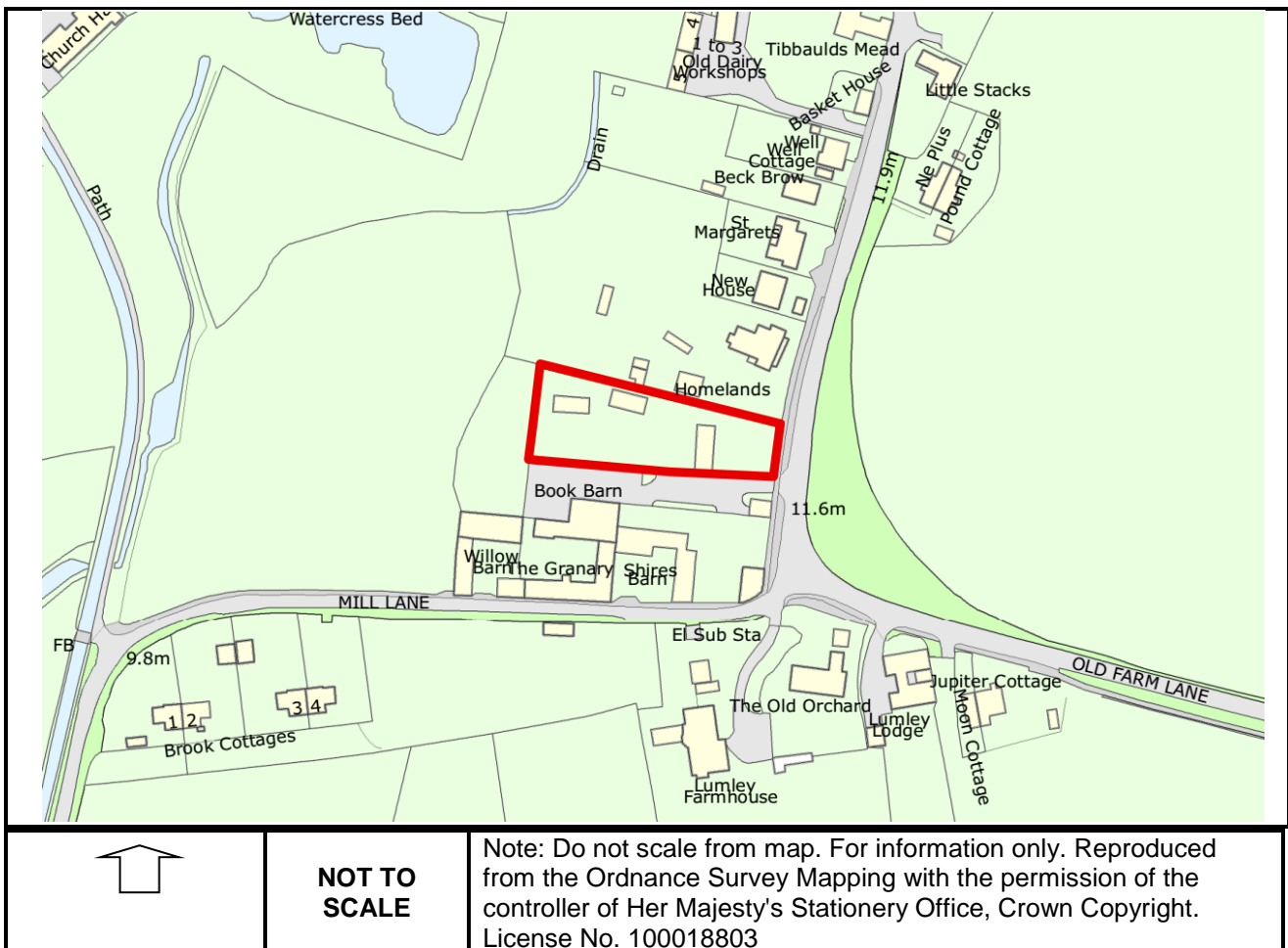
Proposal Creation of a part two storey house with basement and separate carport/garden store. Variation of conditions 2 and 3 from permission WE/16/00721/FUL, to incorporate amendments to various plans and external materials.

Site Woodbury House Whitechimney Row Westbourne PO10 8RS

Map Ref (E) 475769 (N) 107149

Applicant Mr Paula and Alastair Sperring

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



1.0 Reason for Committee Referral

1.1 Parish Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located on the west side of Whitechimney Row some 300m south of the centre of Westbourne. The northern boundary of the site adjoins the southern edge of both the Settlement Policy Area for Westbourne and also the Westbourne Conservation Area. Lying outside the settlement boundary area, the site falls within the 'rural area' and is outside of Flood Zone 2, directly to the east. Directly north of the application site is a drive and outbuilding serving Homelands, a Grade II listed building, which is the last in a row of detached dwellings on the west side of Whitechimney Row. To the south, across a gravelled driveway and parking area, is a range of former agricultural buildings which have been converted to residential and office use. Directly adjacent the site, on the opposite side of Whitechimney Row, is open countryside. To the west is garden land, beyond which are open fields.
- 2.2 The site itself is irregular in shape including a frontage onto Whitechimney Row of some 22m and a depth of approximately 75m. The site widens at its western boundary to 35m. The application site is empty of any structure (bar a temporary storage container) and is relatively flat. Historically, the site accommodated three buildings - the largest of which was a 15m by 6m ridged roof timber hut set about 18m west of the road frontage.
- 2.3 The eastern and northern boundaries of the site are defined by a 1.2m high flint wall. The west boundary comprises post and rail with a variety of complementary hedging. The southern boundary, which separates the development area from a gravelled access and car park, is defined by a mix of mature shrub planting.
- 2.4 Access to the site is from an existing vehicular crossover from Whitechimney Row located in the sites south east corner. This access is just north of a 90 degree bend in the road where Whitechimney Row merges with Old Farm Lane. A gravelled access separates the site from a collection of former agricultural buildings that have been converted to residential and office uses. In 2016 permission was granted under application 16/00721/FUL for the erection of a part two storey house with basement and separate carport/garden store.

3.0 The Proposal

- 3.1 The application proposes the variation of conditions 2 and 3 from permission WE/16/00721/FUL, to incorporate the following amendments to the approved plans:
- Substitution of previously approved ramped driveway and replacement with attached garage measuring 8.5m deep x 6.5m wide and 3.6m high. Addition of 1 no. window on the south elevation.
 - Raising of the roof of the car barn to the rear, from 4m to 4.7m.
 - Insertion of black stained timber frame with lead cladding to the 'French doors to lounge' section on the southern elevation and insertion of basement light well.
 - Increase to the size of the balcony from 1.8m to 2.5m on the western elevation.
 - Re-arrangement of fenestration in eastern elevation to include 2 no. central square windows with two glazing panels to either side.

4.0 History

13/02254/OUT	PER	Demolition of wood framed barn and nissen hut and erection of up to 2 no. dwellings with access and parking.
15/00234/FUL	PER	Adapt the existing eastern boundary wall to provide a private vehicular access to the site from White Chimney Row.
16/00721/FUL	PER106	Creation of a part two storey house with basement and separate carport/garden store.
17/01928/DOC	DOCDEC	Discharge of Conditions 4,5, and 10 from Planning Permission WE/16/00721/FUL.
17/02061/NMA	PER	Non-material Amendment to 16/00721/FUL - add no. obscure glazed window to garage rear elevation and omission of rear window to kitchen and replace with an extension of the rear glazed doors.
17/02115/DOC	DOCDEC	Discharge of Condition 11 from Planning Permission WE/16/00721/FUL.
18/00226/DOC	DOCDEC	Discharge of condition 3 from planning permission WE/16/00721/FUL.
18/00328/NMA	REF	Non-material amendments to planning permission WE/16/00721/FUL- Change of materials used brick plinth to front elevation to be extended to side elevations, extend rear balcony to 2.5m deep southern light well updated to accommodate brick staircase to ground level with southern window widen and car barn to rear updated with new configuration.

5.0 Constraints

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

6.0 Representations and Consultations

Parish Council

- 6.1 Objection - Extension of the rear balcony would create privacy issues for neighbours. The increased height of the car barn would have a detrimental effect to the amenity. Increases in the light well sizes would have a detrimental effect on light pollution in the local area.

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 Westbourne at this time. The principal planning policies of the Chichester Local Plan 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 42: Flood Risk and Water Management
Policy 47: Heritage and Design

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 7, 14, 17 generally.

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

Other Local Policy and Guidance

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 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 the amenity of neighbouring properties

i) Principle of development

8.2 The principle of development at this site has been established under the planning permission issued under application 16/00721/FUL, by the Planning Committee.

8.3 The key considerations are the impact of the proposed alterations, as described in Section 3.1, on the character and appearance of the area and neighbour amenity.

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

8.4 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

8.5 The substitution of the approved ramped access, with a single storey attached garage along the northern boundary would create a new addition to the approved dwelling. However the proposed garage would relate sympathetically in size, scale and design with the existing dwelling. In addition this amendment would represent an improvement to the overall appearance of the site by removing the need to excavate land around the building to create an engineered parking area. On this basis the attached garage would be an acceptable amendment.

8.6 It is considered that the re-orientation of the northern elevation of the car barn would not have a detrimental impact upon the overall design of the previously approved scheme, given that its footprint would not change and the previously approved design of the car barn would be replicated. The addition of 1 no. window is proposed in the south elevation, which would be located centrally. In terms of the design, this alteration is considered to have minimal impact on the character and appearance of the building. Furthermore, the application proposes to increase the height of the car barn from 4m in height to 4.7m. Whilst this has caused some concern from the Parish Council, this increase would not fundamentally change the size, shape or design of the previously approved scheme and the car barn would retain its appearance as a subservient building to the host dwelling with regards to size, mass and scale.

- 8.7 On the southern elevation, the application proposes a black stained timber frame with lead cladding, measuring 2m in width and approx. 1.8m in height. Whilst this element is considered to be acceptable, it is recommended that a condition be imposed to ensure that a high quality stained timber and lead cladding are used. In addition a light well is proposed to serve the basement, the basement, which would not be visible to from public vantage points or significantly alter the appearance of the dwelling.
- 8.8 The previously approved scheme included a balcony that projected 1.8m from the rear elevation. The proposals would increase this projection to 2.5m to the rear, which would not be a significant alteration or harmful to the appearance of the dwelling.
- 8.9 The alterations to the east elevation include the reconfiguration of the fenestration on the front door to include 2 square windows positioned centrally with 2 larger glazing panels on either side. It is considered that this alteration would be acceptable in terms of design.
- 8.10 Overall it is considered that the proposed changes would be sympathetic and proportionate and would not undermine the quality of the development approved under the previous application. On this basis the proposals would accord with Policy 33 of the Chichester Local Plan and are therefore considered to be acceptable.

iii) Impact upon the amenity of neighbouring properties

- 8.11 Concerns have been raised by the Parish Council relating to the increase in the size of the rear balcony and its impact on neighbour amenity.
- 8.12 The proposals would increase the depth of the balcony from 1.8m deep to 2.5. Residential properties are located to the north (Homelands) and the south (Book Barn). Between the extended balcony and Homelands is the first floor accommodation of the approved dwelling which would obscure views to the north. The proposed balcony would be positioned approx. 23 away from Book Barn, with a driveway and boundary landscaping in between. This distance, coupled with the proposed landscaping to be planted as part of the previously approved scheme would appropriately mitigate any adverse impact on the neighbouring property in terms of overlooking and loss of privacy.
- 8.13 No other proposed alterations are considered to impact upon the neighbouring amenities and are therefore considered to be acceptable in this regard.

Conclusion

- 8.14 The application proposes changes and alterations to a previously approved scheme for the erection of a two storey dwelling and car barn. It is considered that the proposed changes would remain sympathetic and proportionate to the previously approved scheme and would have no adverse impact on the character and appearance of the area or neighbouring amenity. The use of appropriate conditions would ensure that potential impacts are mitigated. The proposal is considered to be in compliance with the policies contained within the development plan, 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

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

1) The development hereby permitted shall be begun before 16 December 2019.

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

2) The development hereby permitted shall be carried out in accordance with the approved plans:

- 180218-01 – Location Plan
- nb01468:01j - Ground Floor Plan
- nb01468:02i - First Floor Plan
- nb01468:03i - Roof Floor Plan
- nb01468:04g - Front Elevation: East
- nb01468:05E - Side Elevation: North
- nb01468:06f - Basement Floor Plan
- nb01468:07C - Section A-A
- nb01468:08C - Ground Floor Site Plan
- nb01468:09C- Front Elevation
- nb01468:12d - Elevations: Car Barn and Courtyard
- nb01468:13c - Side Elevation: South
- nb01468:14d - Rear Elevation: West

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

3) The development shall be carried out in accordance with the materials submitted and approved under application 18/00226/DOC on 15/03/18.

Reason: In the interests of visual amenity.

4) The development shall be carried out in accordance with the hard and soft landscaping scheme submitted and approved under application 17/01928//DOC on 14/12/17.

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

5) The development shall be carried out in accordance with the refuse bin storage and secure cycle storage scheme approved under application 17/01928/DOC on 14/12/17.

Reason: To ensure that these measures are incorporated sensitively into the scheme and to encourage non car modes of transport and to ensure proper provision for refuse disposal.

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

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

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

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

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

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

9) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0800 hours and 1700 hours
Mondays to Fridays and 0800 hours and 1230 hours on Saturdays.

Reason: In the interests of residential amenity.

10) The development shall be carried out in accordance with the surface water drainage scheme approved under application 17/01928/DOC on 14/12/17.

Reason: To ensure satisfactory surface water drainage.

11) The development shall be carried out in accordance with the principles approved under application 17/02115/DOC on 18/09/17.

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

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

Parish: West Wittering	Ward: West Wittering
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WW/17/03295/FUL

Proposal Change of use from public highway pavement to residential garden use.

Site Izora 1 Watersedge Gardens West Wittering PO20 8RA

Map Ref (E) 479424 (N) 96978

Applicant Mr Paul Collard

RECOMMENDATION TO PERMIT

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

1.1 Parish Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement boundary of East Wittering, on the western side of Shore Road. 1 Waterside Gardens is one of four dwellings that form Watersedge Gardens and is located to the south of Watersedge Gardens. The application dwelling is a chalet bungalow with hipped gables and three dormers facing Shore Road. Permission was granted in 2017 under application 17/00644/DOM for a loft conversion and extension and conversion of the existing garage, which have largely been completed.
- 2.2 There is a footpath on the western side of Shore Road, which links the public play and display car park to the north west to the beach to the south. The footpath outside of the application site is currently 4.5 metres wide, reducing to 2 metres wide to the south of the application site. The footpath is 4.5m to the north of the junction with Watersedge Gardens with Shore Road.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the change of use of part of a footpath to form part of the residential use of Izora 1 Watersedge Gardens. The application also proposes to demolish the existing boundary wall and erect a new wall along the new residential boundary. The new boundary wall would be 1 metre in height and constructed from brick and flint to match the existing. The existing rear garden has a depth of 4.5 metres, which the proposals would increase to 7 metres in depth.

4.0 History

90/00062/WW	WDN	Outline - demolition of existing hotel and erection of 8 no. courtyard town houses.
91/00032/WW	PER	Outline - demolition of existing hotel and erection of 2 no. detached houses together with 4 no. semi-detached houses.
95/01346/OUT	PER	Demolition of existing hotel and erection of 2 no. detached houses with 4 no. semi-detached houses - all with integral garages.
96/02035/FUL	PER	Demolish existing derelict building. Construct 4 No. new bungalows and garages.
17/00644/DOM	PER	Loft conversion with new hipped roof, extension and conversion of existing garage, weatherboarding, dormers, roof lights and proposed cross over for new parking space.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO

AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Objection - The widening of this footway at this location plays an integral part as a refuge for all users. Shore Road is the main access to the beach at East Wittering and does not have the benefit of a continuous footway throughout its length. In particular when busy, with locals and tourists, there is a necessity to walk in the roadway and this particular area, where a footway does exist, becomes vital as a much needed area of safety for pedestrians, especially those who are less manoeuvrable with pushchairs and wheelchairs. With this in mind the Parish Council requests that a disability assessment be carried out. There are mains services running under the site, which could be compromised by being under private land. The Parish Council notes that generous offer has been made to the County Council to acquire this area of footway, but the Parish Council was unaware that this area of land was available to purchase and, if so, where had it been advertised.

6.2 WSCC Highways (summarised)

No objection – WSCC highways commented on the previous application in December 2017 in which they did not raise any concerns to proposal, subject to purchasing of land and formal stopping up of land to extinguish the public's right of way over this. The proposed vehicle visibility splays of 2.4 metres by 43 metres have been demonstrated to show that visibility upon a car exiting the private road would not be detrimentally impacted. Sufficient footway width will remain as per guidance in Manual for Streets and Inclusive Mobility.

7.0 Planning Policy

The Development Plan

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

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 4 relating to transport and section 7 in general relating to the requirement for good design.

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of the development
- ii) Character of the Area
- iii) Highway Safety
- iv) Impact on the amenities of neighbouring properties

i) Principle of the development

8.2 The application site is located within the settlement boundary of East Wittering. The proposals relate to a change of use of the land from a public footpath to form part of the residential curtilage of the existing property. The land that forms part of this application is finished with tarmac and contributes to the character and appearance of the area in terms of providing a function. It is considered the reduction in width of the footpath in principle is acceptable subject to the impact of the proposal on the character of the area and the highway impacts of the proposal.

ii) Character of the Area

- 8.3 The application site is located within an East Wittering at the junctions with Watersedge Gardens and Shore Road. There is a footpath on the western side of Shore Road, which links the public pay and display car park to the north west to the beach to the south. The footpath outside of the application site is currently 4.5 metres wide and reduces to 2 metres wide to the south of the application site. The boundary walls along Shore Road are mainly brick and flint construction no higher than 1 metre.
- 8.4 The land that forms this change of use application is currently part of the public footpath that runs along the western side of Store Road north to south. The footpath is particularly wide at this point (4.5m); the gardens of properties to the south narrow the footpath to a width of (2m). The proposed reduction of the footpath to the front of 1 Watersedge Gardens would result in a footpath of 2m in width at its narrowest point. The application also proposes a new boundary wall which would be in line with the boundary of the property to the south and taper to the north, where the wall approaches the junction with Shore Road. The proposed boundary wall would be 1 metre in height and be constructed in flint and brick.
- 8.5 It is considered that the design and construction of the proposed wall would be in keeping with the neighbouring dwelling to the north and similar to the existing wall to be replaced. The height of the wall would match existing examples within the street and retain the open street frontage seen along Shore Road. On this basis it is considered that the proposals would not have a harmful impact on the host dwelling or the street scene and is considered acceptable.

iii) Highway Safety

- 8.6 The application would result in the change of use from a public footpath and adopted highway to form part of the residential curtilage of 1 Watersedge Gardens. The proposal would narrow the existing footpath from 4.5 to 2 metres for a length of 10 metres. Objections have been received stating that the width of the remaining footpath would be insufficient for users of wheelchairs, pushchair and pedestrians.
- 8.7 WSCC Highways have commented on the application and have raised no objection to the application proposals. The application has demonstrated vehicle visibility splays of 2.4 metres by 43 metres which ensures sufficient visibility for a car exiting the Watersedge Gardens. WSCC Highways have also stated that visibility from this junction would not be impacted upon by the proposals.
- 8.8 The proposals would result in a footpath with a minimum width of 2 metres, which is the same width as the footpath to the south heading towards the beach. The footpath would be wider towards the junction with Shore Road where there is also street furniture. WSCC highways have concluded that the proposal would retain a sufficient width to the footway alongside the existing street light and bins without impeding and impacting on the safety of pedestrian movements

iv) Impact on the amenities of neighbouring properties

- 8.9 The land would form part of the rear garden area for the dwelling, which would be adjacent to 52 Shore Road's front parking area to the south. Given the area to the front

of the neighbouring property is for parking and the distance to other properties, it is considered the proposal would not have a detrimental impact to the amenity of neighbouring properties.

Conclusion

8.10 It is considered that the proposed change of use would not have a harmful impact on the character and appearance of the existing dwelling or the street scene. Furthermore the proposal would provide sufficient visible splays for vehicles exiting Watersedge Gardens and would not impact upon highway safety. The proposal would also provide a sufficient width of footpath for the safety of pedestrian movements. The application is therefore considered to accord with Local Plan policies and the NPPF and is recommended for approval subject to conditions.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 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: 001B, 08/048-002, 08/048-003

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for the boundary wall has 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.

INFORMATIVE

The applicant is advised to contact the Department for Transport in order to commence the "Stopping Up" process under Section 247 of the Town and Country Planning Act.

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 Daniel Power on 01243 534734

Agenda Item 12

Chichester District Council

Planning Committee

Wednesday 16 May 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
17/01644/FUL Westhampnett Parish Case Officer: Claire Coles Written Representation	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="84 297 416 365">17/00838/ELD North Mundham Parish</p> <p data-bbox="84 409 472 443">Case Officer: Caitlin Boddy</p> <p data-bbox="84 488 300 521">Public Inquiry</p>	<p data-bbox="523 297 1382 365">Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p>
<p data-bbox="437 555 1024 589">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="84 600 1369 1440">“...the effective basis of the application was that what was built did not comply with the previous planning permission and the confirmation sought was that the development is not controlled by the planning permission and its conditions...The appeal is dismissed...there is no dispute between the parties that the three conditions are written so as to prevent development occurring until after the actions identified have been carried out. It is also common ground that the conditions were breached in that there was no application to discharge the requirements of the conditions. Condition 5 relates to landscaping with reference to tree protection and condition 7 relates to retention and protection of trees. The application plans, submitted and approved and required by the permission to be followed, showed elements of landscaping, albeit not in detail identifying particular plants, but identifying their general location, and again landscaping on site appeared to follow the principle of this. I conclude that conditions 5 and 7 did not go to the heart of the permission. ...Condition 3 is more important in terms of the potential to go to the heart of the permission in that poor material choice could have been harmful to the development itself, impacting on the surrounding environment. However, here again the approved plan indicates a great deal of detail...Inspection of the building shows it to have been constructed in accordance with the permitted drawings.I conclude that in this situation where the drawings are reasonably detailed in terms of materials that condition 3 did not go to the heart of the planning permission. I therefore conclude that the three conditions did not prevent the planning permission being implemented by the development that has occurred and that it is controlled by the associated conditions. the Council’s deemed refusal to grant a certificate of lawful use or development in respect of erection of a building and its use as a dwellinghouse was well-founded.</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>16/00933/OUT Birdham Parish Case Officer: Jeremy Bushell</p> <p>Public Inquiry 2 - 5 October 2018 at 10am Vicars Hall, The Royal Chantry, Cathedral Cloisters, Chichester, West Sussex, PO19 1PX</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>SDNP/17/01998/FUL Bury Parish 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>SDNP/17/02952/FUL Bury Parish Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>
<p>15/00064/CONLB Chichester Parish Case Officer: Sue Payne</p> <p>Public Inquiry</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against LB enforcement notice req removal of 3 no. UPVC casements windows in Grade II listed building in Conservation Area.</p>
<p>SDNP/17/03896/HOUS Duncton Parish 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>

Reference/Procedure	Proposal
<p>SDNP/17/03224/FUL 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>
<p>SDNP/16/04519/FUL 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>SDNP/17/02266/FUL 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 – Mobile home inc insertion of a cesspit and engineering works- appeal against enforcement notice.</p>
<p>SDNP/17/05536/CND Harting Parish</p> <p>Case Officer: Rafa Grosso-Macpherson</p> <p>Written Representation</p>	<p>Tye Oak Farm, East Harting Hollow Road, East Harting, Petersfield, West Sussex, GU31 5NA - Variation of Condition 2 of planning permission SDNP/17/01720/FUL - Modifications to internal layout, external appearance and landscape layout.</p> <p>Linked to SDNP/17/05537/CND</p>

Reference/Procedure	Proposal
<p>SDNP/17/05537/CND Harting Parish</p> <p>Case Officer: Rafa Grosso-Macpherson</p> <p>Written Representation</p>	<p>Tye Oak Farm, East Harting Hollow Road, East Harting, Petersfield, West Sussex, GU31 5NA - Variation of condition 2 of permission SDNP/17/02124/LIS. Modified internal layout, external appearance and landscape layout.</p> <p>Linked to SDNP/17/05536/CND</p>
<p>15/00375/CONCOU North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 22/05/2018 at 10:00am Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Ten Acres Land North Of Fisher Common Nursery Fisher Mundham West Sussex - Without planning permission, change of use of a building to use as a dwellinghouse. Appeal against enforcement notice.</p>
<p>16/00424/ELD North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 22/05/2018 at 10:00am Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Ten Acres Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010.</p>
<p>17/00074/CONENF Oving Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against enforcement notice ref: O/27</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 enforcement notice - O/28.</p>
<p><u>16/03997/OUT</u> Selsey Parish</p> <p>Case Officer: Steve Harris</p> <p>Informal Hearing 16/05/2018 at 10:00am Old Court Room, Chichester City Council, North Street, 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 application 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 04.07.18</p>	<p>Land Adj To Ham Road Sidlesham West Sussex – without planning permission, stationing of a mobile home for the purposes of human habitation. Appeal against Enforcement Notice SI/69.</p>
<p><u>16/03383/FUL</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing 04.07.18</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. Linked to 16/00359/CONTRV above.</p>

Reference/Procedure	Proposal
<p>17/00031/CONMHC Southbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry</p>	<p>Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation. Appeal against enforcement notice.</p>
<p>17/01679/DOM 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>16/00094/CONMHC Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry held 01.05.18 Awaiting decision</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ – Without planning permission, stationing of a mobile home for the purposes of human habitation. Appeal against enforcement notice. Linked to 16/03010/FUL.</p>
<p>16/00191/CONCOU 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 enforcement notice – without planning permission, change of use to tarmac contractor’s yard. Linked to 17/00378/FUL.</p>
<p>16/03010/FUL Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry Awaiting Decision</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). Linked to 16/00094/CONMHC.</p>

Reference/Procedure	Proposal
17/00378/FUL Westbourne Parish Case Officer: Caitlin Boddy Written Representation	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. Linked to 16/00191/CONCOU.
17/01644/FUL Westhampnett Parish Case Officer: Claire Coles Written Representation	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

High Court		
Site	Action	Stage
Breach Avenue, Southbourne	Challenge of Inspectors Decision letter dated 2 nd November 2017	Permission to proceed with claim granted. Hearing set for Wednesday 20 th June 2018 (one day)

Court Hearings		
Site	Matter	Stage
Decoy Farm, Aldingbourne	Civil claim for clearance costs	Pre-Trial Review adjourned. Date to be confirmed. Case not ready to proceed to trial. More documents to be served by both parties. It is anticipated trial will be listed in September.

Prosecutions		
Site	Offence	Stage
Field West of Five Oaks	Failure to comply with the requirements of an Enforcement Notice	First hearing:- Court date: 25 May at Worthing Magistrates' Court

7. POLICY MATTERS