

Report to **Planning Committee**
Date **13 September 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/03308/CND**
Applicant **Mr D Roycroft**
Application **Variation of Condition 2 of planning permission
SDNP/16/03715/FUL - replace approved proposed site plan 192.01
Rev B with proposed site plan 192.01 Rev C, to improve highway
safety.**
Address **Orchard Barn Common Road Funtington PO18 9LG**

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

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

Reason for Committee Referral: Parish Objection – Officer recommends Permit

Executive Summary

This proposal is solely in respect of revisions to the means of access to service the redevelopment of Orchard Barn. It will result in a net reduction in vehicles being serviced from the existing, substandard access onto Common Road, with all four dwellings (including the existing dwelling) utilising the new access permitted under reference SDNP/16/03715/FUL. The Highways Authority considers that there is a net benefit in highway safety and does not raise any objection to the application. All other details remain as approved under planning permission SDNP/16/03715/FUL. The proposal is therefore recommended for approval.

1 Site Description

1.1 Orchard Barn is a substantial detached two-storey property located on the eastern side of Funtington village constructed in the 1970's. The dwelling is sited on the eastern side of extensive, well-maintained mature gardens to the north and west of the building. A hard surface tennis court occupies a large part of the site toward the western side of the garden, with a young orchard and vegetable garden in the northwest section. Part of the garden is sub-divided by mature hedges. Adjacent to the western side of the existing house is a large detached triple garage building and extensive gravelled turning/parking area. The site as a whole was previously part of the grounds to Funtington Hall which lies to the south-west.

1.2 The boundaries to the curtilage of the property are generally well screened, with mature hedging and shrub planting to the east boundary and a notable screen along the north boundary of a double line of mature deciduous trees providing an effective foil to the agricultural buildings of Lynch Farm beyond. The boundary treatment to the west and part south is a little weaker, comprising timber fencing, which allows views of the upper floors of the dwellings to the south west. The site generally appears to have a fall in levels from north to south, although this is more pronounced on the western side.

1.3 Access to Orchard Barn is via a shared drive off Common Road. This drive also services 1 to 4 Funtington Hall, with 1 and 2 being a Grade II listed building. In addition, the wall fronting Common Road to the west of this shared access is also listed Grade II.

1.4 The application site is located within the designated conservation area and a number of trees within the site are subject to a Tree Preservation Order reference FU/71/00518/TPO, including the substantial Sweet Chestnut tree (T1) in the rear garden and the Indian Bean Tree (T4) between the existing house and garage.

1.5 The character of the conservation area is largely of historic dwellings flanking Common Road in a linear pattern interspersed with modern infill development. Dwellings on the northern side of the B2146 tend to be larger and in generous plots. In this context, the grounds to Orchard Barn are unusually large and comparable in size to that of Funtington Hall to the south-west.

2 Proposal

2.1 The application is made under Section 73 of the Town and Country Planning Act 1990 for a variation of condition 2 of planning permission SDNP/16/03715/FUL (development in accordance with the approved plans) to revise the access arrangements so that all of the development associated with the Orchard Barn site is to utilise the new point of access permitted under SDNP/16/03715/FUL. All other aspects of the development are to remain as previously approved.

3 Relevant Planning History

3.1 SDNP/15/01300/PRE - Formation of new access, demolition of detached garage and erection of 2 detached dwellings, hard and soft landscaping and associated works. ADVICE GIVEN 21.04.2015

3.2 SDNP/15/05620/MPO - Discharge of planning obligation of the Section 37 agreement relating to a historic planning permission. APPROVED 29.01.2017

3.3 SDNP/16/03715/FUL - Erection of 3 no. dwellings. Retention of existing dwelling. New access via Common Road to serve existing dwelling and 2 of the new dwellings, retaining the current access point to serve the remaining new dwelling. Associated works and hard and soft landscaping. PERMIT 26.04.2017

4 Consultations

4.1 Funtington Parish Council

In the representations which were read to the District Council's Planning Committee when it considered Application No. SDNP/16/03715/FUL on 20th April 2017 it was stated :-

"The principal ground for objection by the Parish Council, and incidentally by local residents, is the danger which is likely to be occasioned by the proposed access ways onto the B2178 Common Road. The existing access way already serves four residential units at Funtington Lodge plus Orchard Barn itself. At this point the B2178 is narrow often rendering it difficult for not infrequent large vehicles, e.g. PSVs, articulated lorries and farm vehicles which use the road to pass, often using the pedestrian footway. The present access way is located on what constitutes a blind corner for vehicles travelling in either direction. There is no footway on the northern side of the carriageway despite there being residential property on that side and, contrary to the application details, the road is not illuminated. The proposal to make another vehicular access so close to the existing access to serve a further three properties is totally unacceptable. Further there is a public bus stop to the west of the application site on the northern side of the B2178 with no footway for passengers who have to wait on the verge or on the carriageway in wet weather. Traffic often has to negotiate slow moving or parked PSVs close to the existing access"

The Highway Safety Considerations set out in Charter House Planning's letter of 27th June 2017 clearly bears out the Parish Council's objection on road safety grounds to Application SDNP/16/03715/FUL. The proposal to reduce the number of properties utilizing the existing access from 5 to 4 by increasing the number of properties using the proposed eastern access from 3 to 4 in no way reduces the potential risk and may in fact exacerbate it insofar as it would increase the potential volumes of traffic using that access in close proximity to existing accesses to the east and to the Downs Road junction.

Bearing in mind that the access way forms such an implicit part of the overall development of the Orchard Barn site it is questioned whether this application should be one merely to consider the amendment of a condition contained in permission SDNP/16/03715/FUL or, more properly, as a new application for the development as a whole.

Finally, the comments made by the Highway Authority regarding road safety so far as the original application was concerned was so divorced from local knowledge, observation and experience, particularly bearing in mind the frequent accidents at this location which thankfully do not result in death or bodily injury and are therefore not recorded in police records, as to make them at least questionable. We are concerned whether WSCC, as Highway Authority, or the Planning Authority would be held responsible when the almost inevitable accident resulting in death or injury occurs. As a Parish Council we put it on record that we strongly oppose this application on road safety grounds.

4.2 WSCC – Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

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

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application SDNP/16/03715/FUL for the erection of 3 dwellings at the site with the installation of a new access point to serve the existing dwelling and 2 of the new dwellings. An existing access is to be retained to serve the third proposed dwelling. In summary no highways concerns were raised and consent was granted by the Local Planning Authority. This application seeks to variation of Condition 2 of the aforementioned planning consent to replace approved proposed site plan 192.01 Rev B with proposed site plan 192.01 Rev C.

After inspection of plan 192.01 Rev C the principle of this revision will result in all three proposed dwellings and the existing dwelling (Orchard Barn) utilizing the approved new point of access. This point of access has been established as acceptable and in accordance with recognised guidance and standards under SDNP/16/03715/FUL. The revision will result in one less dwelling utilizing the existing point of access, which under SDNP/16/03715/FUL was established as being severely sub-standard. As a result the Local Highways Authority would view this revision to be of benefit to highway safety and would not wish to raise any highways concerns.

5 Representations

5.1 Applicants supporting information

- Application is for a minor amendment to permit all four homes to be accessed from the new safe access, with all traffic from the site removed from the existing substandard access.
- When assessing the new access in respect of SDNP/16/03715/FUL, the Highway Authority commented in detail about how it meets current national standards in relevant guidance.
- In terms of trip generation and highway capacity, this revision will not result in any difference from that approved but will represent a highway safety gain.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan for this area is the **Chichester District Local Plan First Review (1999)**. The following documents are also considered to be material considerations in the determination of this application:

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

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

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

7.1 Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

It is also necessary to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.2 National Planning Policy Framework (NPPF)

The following sections and paragraphs of the National Planning Policy Framework have been considered in the assessment of this application:

- Sections 6, 7, 11, and 12
- Paragraphs 7, 14, 17, 32, 49, 53, 56, 60, 61, 64, 115, 118, 128, 129, 132 and 134

Further Government advice and guidance relating to minor material amendments to a planning permission may be found in the National Planning Practice Guidance (NPPG), paragraphs 013 to 015.

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

7.3 Chichester District Local Plan First Review 1999

The following policies of the **Chichester District Local Plan First Review (1999)** are relevant to this application:

- BE1 - Settlement Policy Boundary
- BE4 - Buildings of Architectural or Historic Merit
- BE6 - Conservation Areas
- BE11 - New Development
- BE13 - Town Cramming
- H4 - Size and Density of Dwellings
- TR6 - Highway Safety

7.4 The South Downs Local Plan – Pre-Submission 2017

The National Park Authority has published the South Downs Local Plan Pre-Submission 2017. This was approved by the South Downs National Park Authority on 11 July 2017. The document and the policies contained therein are a material consideration when determining planning applications and appeals within the National Park; however at this stage it is acknowledged that the policies will carry limited weight. The following policies are considered relevant to this application:

SD5 (Design)
SD12 (Historic Environment)
SD13 (Listed Buildings)
SD21 (Public Realm, Highway Design and Public Art)
SD25 (Development Strategy)
SD26 (Supply of Homes)

7.5 Partnership Management Plan

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

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9
- General Policy 50

8 Planning Assessment

8.1 The main issue with this planning application is considered to be whether the proposed revision to the access arrangements servicing the development would be acceptable in highway safety terms.

8.2 Planning permission for the development of the Orchard Barn site was granted by the Planning Committee on 26th April 2017. This scheme proposed the formation of a new point of access to the site onto Common Road to serve Orchard Barn and two of the proposed new dwellings approximately 25.0 metres to the east of the existing point of access. The third dwelling (Plot 1) was to have been served from the existing access, thus maintaining the same number of dwellings historically serviced by that access (4 in total). In its assessment of the 2016 planning application, the Highways Authority had advised that this existing access was considered substandard and that intensification of its use would not be supported.

8.3 This application proposes that all four dwellings (the three new units and Orchard Barn) would be serviced from the new point of access. This would result in a net reduction in the number of dwellings serviced by the existing substandard access point. The Highway Authority consider that the proposed access would be of an appropriate standard to accommodate one further dwelling and given the consequent reduction in the use of the existing access it has concluded that the proposal will not increase the risk to highway safety and in fact the Highway Authority regard this revision as a net benefit in highway safety terms. As a result, the Highway Authority has no objection to the application.

8.4 This does not represent a new proposal as all other aspects of the development considered as part of SDNP/16/03715/FUL (i.e. density, form, design and layout) remain as previously approved and the dimensions of the proposed access have not been altered. The Committee's attention is drawn to the fact that the existing planning permission represents the 'fallback' position for the applicant and consequently this is a material consideration in respect of this application. Therefore the merits of those other aspects of the development do not fall to be considered.

9 Conclusion

9.1 This proposal is solely to consider revisions to the means of access to service the redevelopment of Orchard Barn. It will result in a net reduction in vehicles being serviced from the existing, substandard access onto Common Road, with all four dwellings (including the existing dwelling) utilising the new access permitted under reference SDNP/16/03715/FUL. The Highways Authority considers that there is a net benefit in highway safety and does not raise any objection to the application. Therefore it is concluded that there would be no conflict with the relevant Development Plan policies referred to above, the statutory duties of the Act, the policies of the NPPF or the purposes of designation of the South Downs National Park.

9.2 The recommendation includes relevant conditions from SDNP/16/03715/FUL to be carried over. The previous planning permission was subject to a planning obligation in respect of recreational disturbance to Chichester Harbour, which was paid on 28.04.2017. In the light of the fact that this application is concerned with a variation of one aspect of the previously approved development that does not impact upon terms of the obligation attached to SDNP/16/03715/FUL, it is concluded that a further unilateral undertaking is not necessary in this instance.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of planning permission reference SDNP/16/03715/FUL (28.04.2016)

Reason: In order to reflect the time limit imposed on SDNP/16/03715/FUL and to comply with Section 73(5)(a) of the Town and Country Planning Act 1990 (as amended) and Section 51(3) of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans approved under Condition 2 of SDNP/16/03715/FUL (with the exception of 192.01 Rev B) and those listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Agreement of materials

No development shall commence until details, and samples where appropriate, of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Bricks, stone and any other wall facing materials, Brick bonds, Mortar mix and finish, Rain water goods (including their relationship with eaves and verges), Slates, tiles and any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application

4. Sample panel

No development shall commence until a sample panel of new facing brickwork/ stonework/ tiling or other cladding at least one square metre in size has been constructed on site and agreed in writing by the SDNPA. The panel shall be constructed using the proposed facing materials (brick, stone etc), bonds, mortar and finish to joints. The approved sample panel shall be retained on site and available for inspection until the work has been completed. Thereafter, the development shall be carried out to match the standard of workmanship in the approved panel to the satisfaction of the SDNPA.

Reason: To ensure that the development is undertaken to an appropriate standard.

5. Site Levels

Before development commences details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, shall be submitted to and approved by the SDNPA in writing. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees to comply with Policy BE11 of the CDLPFR 1999

6. Access design

The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In the interests of road safety and to accord with approved policy.

7. Completion of highway works

Before any part of the development hereby permitted is first occupied the access, turning area, and parking and, where applicable, cycle parking areas shall be completed in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

Reason: In the interests of highway safety.

8. Pedestrian Crossing Point

No part of the development shall be first occupied until such time as a tactile paving dropped crossing point serving the development has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

9. Visibility

No part of the development shall be first occupied until visibility splays of 2.4 x 43 metres to the west and 2.4 x 120 metres to the east have been provided at the proposed site vehicular access onto Common Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

10. Tree Protection

No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

11. No authorisation of works to protected trees

Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order.

Reason: To clarify the extent of this permission.

12. Surface water drainage scheme

Before the development hereby permitted is begun, a scheme showing the proposed means of surface water disposal including all necessary on-site and off site works shall be submitted to and approved by the Local Planning Authority. Before the development hereby permitted is brought into use the approved scheme shall be carried out and completed in full accordance with the details shown in the scheme. The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.

Reason: To ensure that the proposed development is satisfactorily drained.

13. No Class A PD rights

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

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

14. No Class E PD rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority by way of a planning application.

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

15. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- (v) wheel washing facilities,
- (vi) measures to control the emission of dust and dirt during construction,
- (vii) turning on site of vehicles,
- (viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

16. Landscaping

No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

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

17. Landscaping implementation

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

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

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 In reaching this decision, the local planning authority has worked with the applicant in a positive and proactive way.

Tim Slaney
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South Downs National Park Authority

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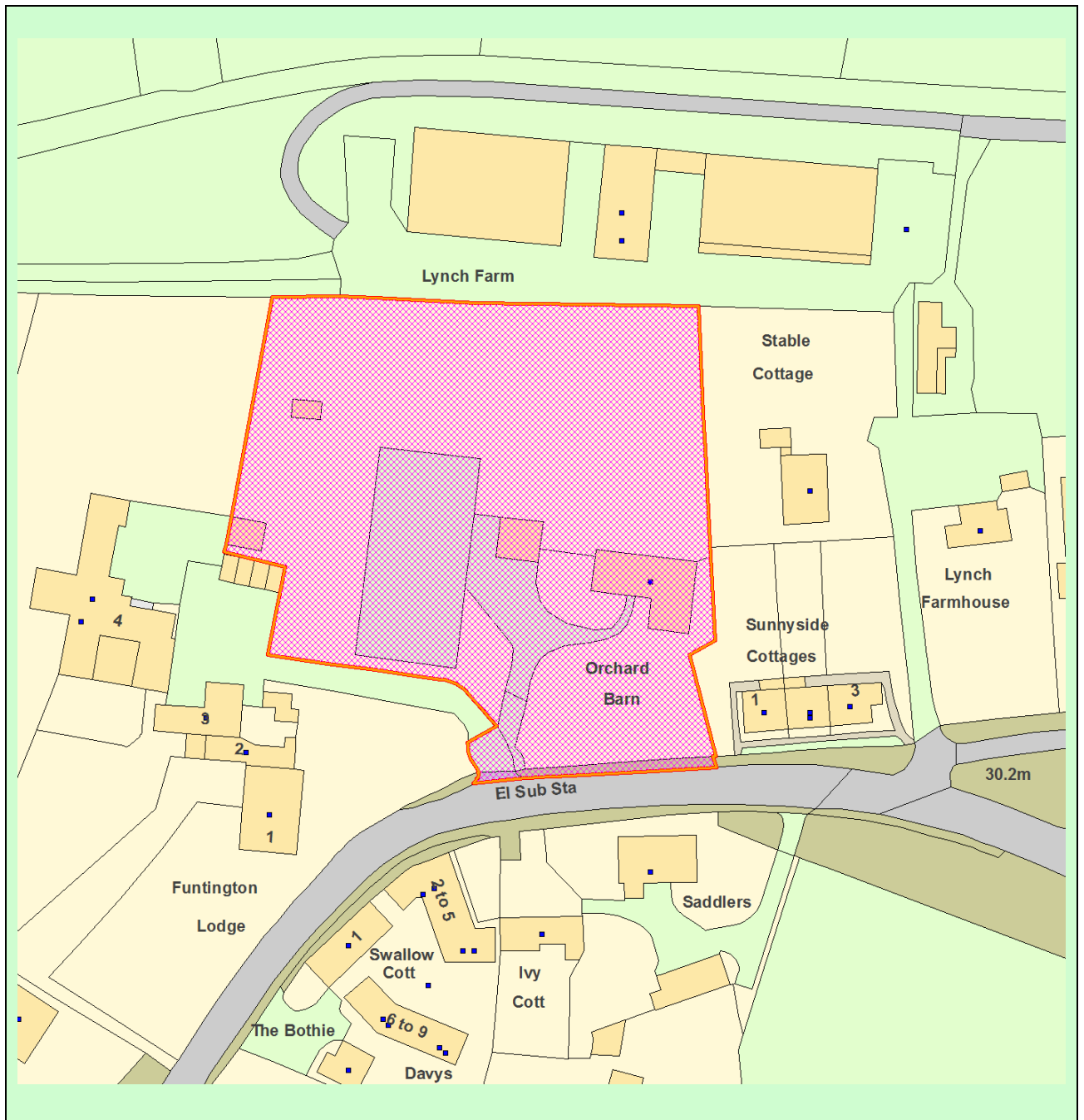
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees WSCC as Highway Authority

Background Documents CDCLPFR 1999 (saved policies), South Downs Local Plan Pre-submission Draft 2017, NPPF, NPPG and SDNP/16/03715/FUL.

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

| Plan Type | Reference | Version | Date on Plan | Status |
|---------------------------------|-----------|---------|--------------|----------|
| Plans - Site Location plan (A4) | | | 14.07.2017 | Approved |
| Plans - Proposed Site Plan (A1) | 192.01 | C | 14.07.2017 | Approved |

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