

Parish: Chichester	Ward: Chichester East
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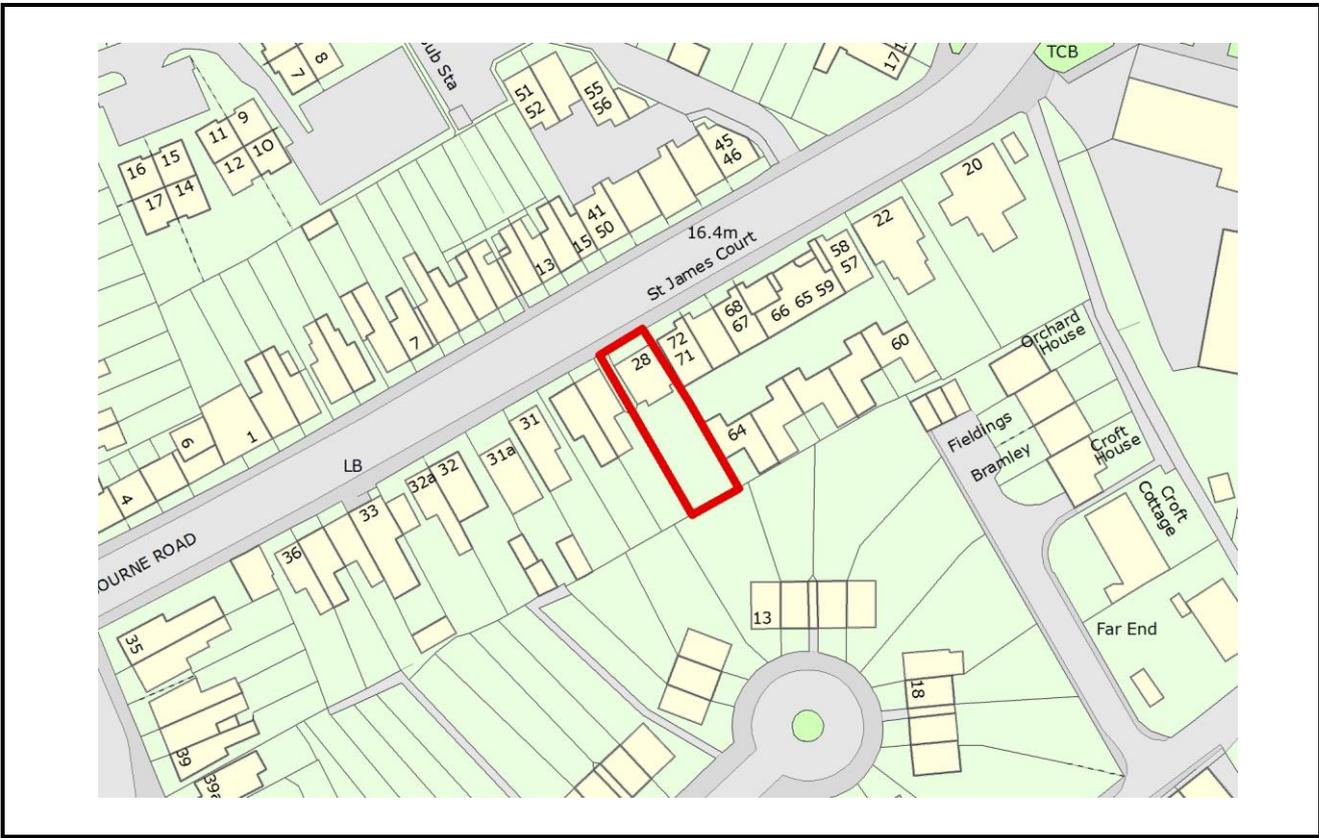
Proposal Demolition of existing dwelling and erection of 2 no. dwellings.

Site 28 Melbourne Road Chichester PO19 7ND

Map Ref (E) 486798 (N) 105271

Applicant Mr C & A Colbourne

RECOMMENDATION TO PERMIT WITH S106



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1.0 Reason for Committee Referral

City Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement of Chichester within a residential road characterised by two storey houses. The application site is the exception and comprises a detached bungalow to the southeast of the road with a central ridge line and gable end roof form running parallel with the road.
- 2.2 There is a modest ornamental front garden with pedestrian gate adjacent to the pavement and a side alleyway to the southwest of the site with private gardens to the rear (southeast).
- 2.3 The properties either side of the site are two storeys, and some of the properties in the locality have traditional Victorian detail to the brickwork, windows and proportions.

3.0 The Proposal

- 3.1 Planning permission is sought for the demolition of the existing bungalow and its replacement with a pair of two storey semi-detached properties with accommodation (bedroom and bathroom) within the roof space.
- 3.2 At ground floor open plan living, kitchen and dining areas are proposed with a porch to the front and a single storey element to the rear. The first floor would provide two ensuite bedrooms and within the roofspace one ensuite bedroom would be accommodated.
- 3.3 The ridge height would measure 9.1m from existing ground level and the underside of the eaves would measure 5m in height. The main two storey element of the building would be sited in line with the neighbours on each side. There would be a 1.7m two storey projection beyond the 2 storey rear elevation of number 29 to the north of the application site.
- 3.4 The rear single storey element would measure 4.2m deep x 7m wide x 2.9m in height with central roof lanterns. The gardens would be divided equally with bike storage located at the end of the gardens within a modest, timber, 2.4m x 1.8m garden shed with felt roof.
- 3.5 The materials to the main houses would include; a natural slate roof with clay ridge tiles, red/brown mix stock bricks to the elevations and painted timber windows and doors.

4.0 History

98/00245/DOM	PER	Single storey conservatory extension to rear of existing dwelling and replacement front boundary wall and railings.
17/00572/FUL	WDN	Demolition of existing dwelling and erection of 2 no. dwellings.
17/02186/FUL	WDN	Demolition of existing dwelling and erection of 2 no. new dwellings.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

07/06/2018

Objection. The proposal involves built development extending the full width of the plot, indicating overdevelopment of the site. This would preclude any access to the rear garden (for example for access to cycle storage or for garden waste) other than through the dwellings. The size, scale and proximity of the development would be detrimental to the amenity of the neighbouring properties.

23/05/2018

The City Council commented "no objection" on the above application last week. Our chairman has requested that this be withdrawn please, as some residents have new points to make which may not have been considered by the committee. The matter will therefore return to our committee on 7th June, and we would like to request an extension of time so that we can submit new comments on that date once we have heard all the potential new information.

17/05/2018

No objection

6.2 WSCC Highways

Summary

This proposal is for the demolition of the existing dwelling and erection of two three-storey, three bedroom dwellings. The site is located on Melbourne Road, a D-classified residential road subject to a speed limit of 20mph.

No vehicular access to the site is proposed and a nil car parking provision is proposed for the new dwellings. Under the WSCC Car Parking Standards three car parking spaces may be provided for the proposal.

Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site is sustainably located within walking distance of Chichester City Centre, local bus stops and Chichester train station. The applicant is proposing to provide secure and covered cycle storage for each dwelling to further reduce the reliance upon the private car.

Conclusion

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

If the LPA are minded to approve the application the following condition should be secured:

Condition

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be 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.

6.3 CDC Land and Coastal Drainage Officer

Thank you for consulting us. We have the following comments regarding flood risk and surface water drainage. Flood risk: the site is wholly within flood zone 1 (low risk), and we have no additional knowledge of the site flooding. Therefore we have no objection to the proposed scale, use or location on flood risk grounds, subject to satisfactory surface water drainage.

Surface Water Drainage: The proposed means of surface water drainage is via soakaways, this approach is acceptable in principle. Infiltration rates have been provided that evidence soakage is achievable. Groundwater monitoring will be required to show soakage structures would not be constructed lower than the peak groundwater level. Soakage structures should be capable of handling runoff from a 1 in 100 year storm event plus 40% climate change. Should the application be approved we recommend the following condition to ensure the site is adequately drained:

"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.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details."

6.4 Third Party Representations

2 x Third Party letters of objections have been received concerning:

Original Proposals

- a) noise and pollution of the demolition and construction works
- b) the proposed development would be right up on the boundary wall, it would be impossible to construct it without encroaching onto the narrow gap within the curtilage of St James's Court and the foundations of the terrace could well be affected
- c) reduction in daylight to nos 71 and 72 and in the case of 72, the ground floor flat, loss of direct sunlight to kitchen and living room after 12 midday.
- d) loss of privacy and quiet enjoyment of the landscaped courtyard garden if the proposed development were to be built.

Amended Proposals

Whilst accepting that the revised proposals are a minor improvement, a number of the original objections still apply. These are as follows; -

- a) the outlook to our first-floor bedroom window, will still be a blank gable wall, approximately 3m away. This will deprive this habitable room of any outlook & significantly impact the room in terms of natural light
- b) the full depth of the proposed house should not extend beyond that of the adjacent properties, which it currently does.
- c) fail to see how these extremely large brick gable walls, can be constructed without foundations being on the adjacent properties sides of the boundaries. Also, to build such walls we presume scaffolding would be required on our side of the boundary, thereby blocking access to the rear garden, which would not be acceptable.
- d) the proposed cycle storage would necessitate bringing any bicycle through the house. As this would be unlikely, it means the potential for additional car parking requirement, already necessitated through the increase in the number of dwellings, would increase.

- e) the proposed 3-storey building is circa 7m away from the rear face of 64, St James's Court & directly overlooks the common space between 64 & 71 St James's Court. Additionally, there is significant overlooking into the rear properties of St James court from the proposed rear windows.

6.5 Agent's Additional Information

There would be no encroachment under, over or onto any neighbouring property. As such, there is no requirement to serve notice on any of the neighbouring properties.

I have reviewed all comments made on this application and the earlier comments from the City Council. Notably, they did not raise objection to the previous schemes due to the removal of a side access to the properties, it is only on this application where this matter appears to have been raised. This is not considered to be a planning matter and in any case it is not unusual for access to be provided via a house to rear garden in Chichester, as previously confirmed.

In terms of construction, there are a number of options to construction. This includes overhand construction, which is seen on many sites within a town or city centre. Current modern methods of construction could also be employed through off-site construction and craning in sections to form flank elevations. In any case, the construction is a matter that would be addressed through agreement with the relevant landowners and in accordance with the Party Wall Act.

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:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 10: Chichester City Development Principles
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 13: Chichester City Transport Strategy
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and design
Policy 48: Natural Environment

Policy 49: Biodiversity

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

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), sections 7, 10 and 11 are also relevant to this case.

- 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
CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
CDC Waste Storage and Collection Guidance

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. Impacts on visual amenities and character of the area
- iii. Impacts on neighbouring amenities
- iv. Highway safety and parking
- v. Ecological considerations

Assessment

i) Principle of the development

8.2 The site is located within the designated Settlement Boundary and Replacement and net gain of dwellings in such locations are supported in principle by the Chichester Local Plan (CLP) policies 1 and 2 which require development to be sustainable and sets out the hierarchy of settlements for sustainable development within the district. Chichester is the largest of the designated settlements as is the Sub Regional Centre for the district. Therefore, new houses in this location are supported by the Development plan, in principle and subject to other considerations within the Development Plan and any planning considerations material to the case.

ii) Impacts on visual amenities and character of the area

8.3 Policy 33 of the CLP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; In addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

- 8.4 The proposed eaves and ridge heights proposed would be comparable in height, scale and proportions to the immediate neighbours. Two storey properties in close flank to flank relationships are a common feature in this location and this close relationship forms part of the character of this section of the road. Concerns have been raised by the City Council and third parties regarding the limited space provided between the neighbouring properties on each side.
- 8.5 Whilst the existing pedestrian alleyway to the southwest of the site would be lost and replaced with a two storey building and gabled end, the proposals would not appear cramped or overdeveloped, given that spacing between the proposed dwellings and neighbouring dwelling would be retained to distinguish them as semi-detached properties. This spacing between dwellings would be sympathetic to the character of the locality and the dwellings would not appear cramped or out of keeping with the character and appearance of the area. It should also be noted that the existing bungalow is already positioned on the northeast boundary. On this basis it is considered that the proposed dwellings would be appropriate in terms of their size, siting and design and would not cause significant harm or detriment to the wider area.
- 8.6 With regards to specific parts of the proposals, the front porch and bay windows would be in line with others in the row, would be single storey in scale and would have a mono pitched roof and set back front doors with canopy over. These features are considered to be visually sympathetic to the street scene. The external materials and finishes would include brick multi stock walls and natural slate roof and painted timber windows and doors which would be sympathetic to the materials found in this locality and the traditional architectural character and quality of the nearby Victorian properties.
- 8.6 It is considered that the proposals would respect the visual character and appearance of the locality and would not result in harm to the street scene. Therefore, it is considered that the development would comply with NPPF sections 7 and 11, CLP policies 2, 33 and 47.

iii) Impacts on neighbouring amenities

- 8.7 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 CLP include requirements to protect the amenities of neighbouring properties. In this case it is considered that given the size and position of the plot and the built up nature of the surrounding residential environment that the level of development being sought by this application would not result in harm to the living conditions and amenities of neighbouring properties and their private gardens. The depth of the proposed two storey properties would align with the neighbouring properties. No. 29 has a two storey rear projection that extends further to the south east than the proposed dwellings.

- 8.8 In terms of loss of light and outlook, Number 29 is located to the west of the application site. Guidance in terms of loss of light to neighbouring properties is provided within the Council's Design Guidance, which advises two storey development should not encroach on a 45 degree line taken from the nearest habitable room windows on the ground floor of neighbouring premises. In this instance this line would not be encroached. The ground floor kitchen window at number 29 with study/box bedroom above at first floor would face towards the proposed two storey dwelling to the north east. However this would be located at approximately 3m from the shared boundary and the two storey element of the proposed dwelling would stretch only 1.6m along that boundary. Views from the kitchen would be of single storey building, which would ensure that there would be not be a significant overbearing or adverse impact in terms of loss of light to the neighbouring dwelling, especially in the context of the site, where neighbouring dwellings are located in close proximity to one and another. On this basis the proposals would not result in any significant loss of light to the neighbouring property that would warrant the refusal of the application on this basis.
- 8.9 To the northeast of the application is a two storey terrace that is divided into flats located at St James's Court. There would be an impact on the closest single storey property to the rear by way of the positioning of the proposed dormer windows. However, there are already two storey properties in this location with first floor and dormer windows facing at an oblique angle to the single storey buildings of St James's Court - meaning that the introduction of a two storey dwelling here with dormers in the roof would have a similar level of overlooking at an oblique angle to the properties. The existing bungalow has a rear dormer at first floor and number 29 is two storeys with a dormer bedroom window in the roof. On the basis of this existing relationship and the fact that these windows would only facilitate internal views to the rear (southeast) with oblique views to each side the proposals are considered to be acceptable in this regard.
- 8.10 Concerns by third parties have been raised with regards to a right to light. Right to light is a separate legal matter to 'loss of light' which has already been considered above, and is therefore not a material consideration.
- 8.11 Directly to the rear the rear gardens would remain of a depth that would provide sufficient separation so that the impact on the two storey properties to the south which are in a back to back relationship with their properties at an oblique angle to the application site would be sympathetic.
- 8.12 For the reasons outlined above it is considered that the development complies with paragraph 17 of the NPPF and policy 33 of the current CLP.

iv) Highway safety and parking

8.13 In terms of highway safety, on road parking is prevalent in this city centre location. Bus stops, safe walking and cycling would be possible in this location and there are local shops and the city centre nearby. There would be an additional demand for parking given the increase in properties however in this central location on site parking would not be possible. Cycle parking details have been submitted and would be secured via condition. It is appreciated that the occupants would have to walk through or store their bikes within the house however this is not unusual in tight-knit urban housing development and would not be a reason that would warrant refusal of this application. In addition WSCC Highways have been consulted and have not raised an objection in this regard.

v) Ecological considerations

8.14 In accordance with CLP policies 50 and the CDC Planning Obligations and Affordable Housing SPD an amended Unilateral Undertaking and appropriate contributions has been submitted to mitigate the likely significant impact of the development on the Chichester and Harbour Special Protection Area. The Case Officer has carried out an Appropriate Assessment and the Unilateral Undertaking and contributions are considered appropriate mitigation in this case.

vi) Water management

8.15 The site is located within flood zone one, an area identified as having the lowest risk of flooding. Never the less the LPA must consider water management to ensure that appropriate drainage is put in place to manage the impacts of the development. The CDC Land and Coastal drainage officer has been consulted and a condition to ensure appropriate site specific surface water management has been requested and is proposed within the recommendation.

vii) Other Matters

8.16 It is appreciated that the owner and contractor would need permission to construct this development by way of access to neighbouring land and that no encroachment is proposed by this application as certificate A has been submitted. Access to neighbouring land is a private matter between the parties that lies outside the material planning considerations.

Conclusion

8.17 It is considered that the proposed properties would respect the character and quality of the site and surroundings and would not be detrimental to the amenity of neighbouring properties and private gardens. The proposal accords with national and local planning policies and therefore, this application is recommended for approval.

Human Rights

8.18 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 refuse/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: 2.01 revision J, 2.01 revision J and cycle store details

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

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

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

4) **No development shall commence** until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

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

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

6) The development hereby permitted shall not 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.

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 ensure additional surface water is managed in an appropriate manner for the site specifics in the interest of flood reliance of the development.

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

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

8) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with the approved plans and the cycle parking shall be retained for it intended purpose in perpetuity.

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

For further information on this application please contact Maria Tomlinson on 01243 534734