

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/00374/FUL

Proposal 4 no. semi-detached houses with associated parking and landscaping.

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

Map Ref (E) 480190 (N) 96958

Applicant Mr S. J. Cobden

RECOMMENDATION TO PERMIT WITH S106



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located within the settlement of East Wittering, situated to the east of the central hub of services and amenities on the northern side of Stocks Lane, in an area characterised by residential properties of a terraced 1950s style.

2.2 The site comprises two parcels of land between nos. 10 and 11 Downview Close, the access road to the recreation ground to the rear, subdivides the site. The land is laid to grass, with a pedestrian footpath leading to the sides of each site. The bowls club, football ground and children's play park are located to the north of the site and garaging compounds associated with the properties at Downview Close to the north east and west. To the east and west are the terraced 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 proposal seeks planning permission to erect a pair of semi-detached dwellings on each plot of land. The western pair would measure 4.2m in width each and the eastern pair marginally larger at 5m each. Both sets of properties would be 10m deep, with the addition of a 1.4m porch addition.

3.2 Plot 1 would be set close to the neighbouring boundary, with plot 4 set off the neighbouring boundary by 1.4m. The proposals would be slightly staggered, but would follow an existing front building between the terraces of properties on Downview Close.

3.3 Internally the proposals would comprise a living room to the rear, with open plan kitchen and dining room to the front and a W.C in the porch. At first floor for plots 4 and 5 there would be provision for 3 bedrooms and a bathroom and at first floor for plots 1 and 2 there would be provision for 2 bedrooms and a bathroom. Each dwelling would have off road parking to the front and a cycle and bin store the rear garden. They would be constructed of brick, with weatherboarding at first floor and a tile pitched roof.

4.0 History

16/01593/FUL

WDN

4 no. semi-detached 3 bed
houses with associated parking
and landscaping.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	
- 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 childrens playground and is also home to the Bowls Club and the thriving Junior Football Club. Although there is a small area of grass where the Bowls Club and Junior Football 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 in its current format. 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. The plans show the site extends over the footpath which the Parish Council believes it owns and will force users into the road. The proposed building line will restrict the usage of this already busy access. 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. 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 Third Party Objections

5 letters of objection have been received concerning:

- Remove the ability to provide surveillance into the recreation ground
- Out of character due to design
- Safety concerns due to access, parking, removal of footpath
- Insufficient parking levels

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

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

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact on 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 designated as a settlement hub Policy 2 of the Local Plan. The principle of development within the settlement boundary is acceptable, subject to other development management considerations.

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 proposed development would be located to the side of the properties known as 10 and 11 Downview Close, where there are no side windows facing the application site. Plots 1 and 2 would be set approximately 1.4m forward of the neighbouring property, no.10, with the single storey porch a further 1.4m in front of the proposed dwelling. The porch additions to plots 3 and 4 would be set in line with the neighbouring property's principal elevation and to the rear it would project 1.2m beyond the rear wall of No.11, with a separation distance of 1.2m to the boundary. It is not considered there would be any adverse overbearing impacts on neighbouring properties as a result of the siting of the proposed development, nor would it result in loss of light or overlooking. The proposal would be set in excess of 65m from existing properties to the south and there is an open recreation ground to the north. As such, the proposal would not cause harm to the amenity of any neighbouring properties.

iii) Impact upon visual amenity and character of the area

8.4 The proposal would in part infill the gap between nos. 10 and 1 Downview Close, with the access road to the recreational land to the rear remaining in place and serving as a visual gap between the rows of houses to each side of the road. The Parish Council and a third party have raised concerns that infilling this gap would erode the spatial qualities of the area and cause harm to its visual amenity. Furthermore that it would reduce the surveillance towards the recreation ground. Plot 2 would encompass the existing western footpath which leads to the recreation ground to the rear, however soft landscaping would be provided along the roadside. Plot 3 would retain the eastern footpath, with soft landscaping and a boundary fence positioned 1.4m back from the footpath. The recreation ground to the rear would remain visible through the existing access road and the retention of 6m gap between the proposed properties boundary fencing. This would allow for the ability to continue surveillance of the recreation ground to the rear when viewed from Downview Close and Stocks Lane. Furthermore, the four proposed dwellings would provide additional surveillance of the recreation ground. The retention of the access road and the use of landscaping to soften the appearance of the new development would ensure that whilst there would be a greater sense of enclosure than the current arrangement this would not cause any significant harm to the visual amenity of the locality.

8.5 When viewed as part of the existing row of properties along Downview Close, the proposed semi-detached properties, whilst separate from the terraces, would continue the linear form of development in the road. Their design would incorporate tile hung elevations at first floor and brick facing at ground floor. Each property would have a single storey flat roof porch addition and a concrete tiled pitched roof. Whilst the proposed dwellings would have some differences in fenestration to the existing properties, their materials and design would be reflective of those existing properties in Downview Close. Therefore, 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.

iv) Highway Safety

8.6 It is proposed that hardstanding fronting each property would provide off street car parking spaces for the proposed dwellings. Plots 2, 3, 4 would be provided with 2 parking spaces per dwelling and plot 1 would benefit from one parking space. The position of these parking areas fronting the property means it is likely that they will be utilised in an allocated manner. On the basis of three of the houses being provided with two spaces each and one house being provided with one space, the WSCC Car Parking Demand Calculator indicates a need for 8 car parking spaces to be provided for the development. This would be inclusive of visitor parking. WSCC Officers conclude that whilst there would be an under provision of one parking space, it would be 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 four dwellings and the ability to park on road when accessing the recreation ground to the rear. The four proposed dwellings would only result in minimal loss of on street parking to the south, where the driveways would be created, however the parking need generated by the proposed development would largely be met by the provision of on-site parking. The site is not currently used for car parking and it is considered that the loss of a small part of the existing on-street parking provision would not create residual impacts which could be defined as severe. Therefore it is considered the proposal would be acceptable in respect of the provision of safe and adequate parking for the proposed development and the impact on on-street parking would not be so great that it would result in harm. In terms of visibility for pedestrian and vehicular traffic, a 1.8m fence is proposed to the boundary of the rear gardens, but a lower level boundary treatment is proposed to the front garden, allowing for visibility to be retained on those approaching the site from the east and west strands of Downview Close. The proposal therefore accords with policy 39.

v) Housing Mix

8.8 Policy 33 of the CDLP seeks to ensure that new development for housing provides for an appropriate mix in accordance with the Strategic Housing Market Assessment (SHMA) (2012). The proposal originally proposed 4 no. 3 bedroom houses, which failed to provide for an appropriate mix. During the course of the application, the scheme has been amended so that plots 1 and 2 would provide 2 bedroom houses and plots 3 and 4 would provide 3 bedroom houses. The provision of 2 no. 2 bed dwelling and 2 no. 3 bed dwellings is considered to provide for an appropriate housing mix in accordance with SHMA. The proposal therefore accords with policy 33 in this respect.

vi) Recreational Disturbance Mitigation

8.9 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 likely impact the applicant has provided a signed and completed S106 Unilateral Undertaking and made a financial contribution £724 to the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

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

vii) Ecology

8.11 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. Due to the location of the site it is not considered that there are high possibilities of protected species. It is therefore considered that the proposed development would not result in harm to protected species or biodiversity and therefore the proposal accords with policy 49 of the Chichester Local Plan.

viii) Other Matters

8.12 The applicant, through written confirmation from his Solicitor has advised that they are in the process of purchasing the land covered by the footpath, which they have confirmed is Crown land. The purchase has been agreed by both parties, but not yet completed. Certificate B has been served and signed.

8.13 The proposal would remove the provision of the western footpath leading to the recreation ground to the north of the site; however the eastern footpath would be retained allowing safe pedestrian access. Whilst traffic in the area may increase when an event/game is undertaken in the recreation ground, the area is otherwise low trafficked at low speeds and visibility of the road would remain. The Parish Council has raised concerns about the damage to the road during construction and construction management of the site. It would be appropriate to condition a construction management plan to ensure safety, amenity of neighbouring properties and proper management of the site.

Section 106 Agreement & CIL

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

8.15 As noted above in section vi) 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

8.16 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

8.17 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.

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: DC_03 REV 3, DC_08 Rev 3, DC_04 Rev 4, DC_05 Rev 4, DC_01 RE

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

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

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

- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

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

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

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

5) 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.

6) **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.

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

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

8) 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.

9) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

10) 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.

11) **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.

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.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) The applicant should note that in granting this permission the Local Planning Authority is making no statement or approval concerning the accuracy of any property boundaries shown on the submitted application plans.
- 3) 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