

Parish: Chichester	Ward: Chichester North
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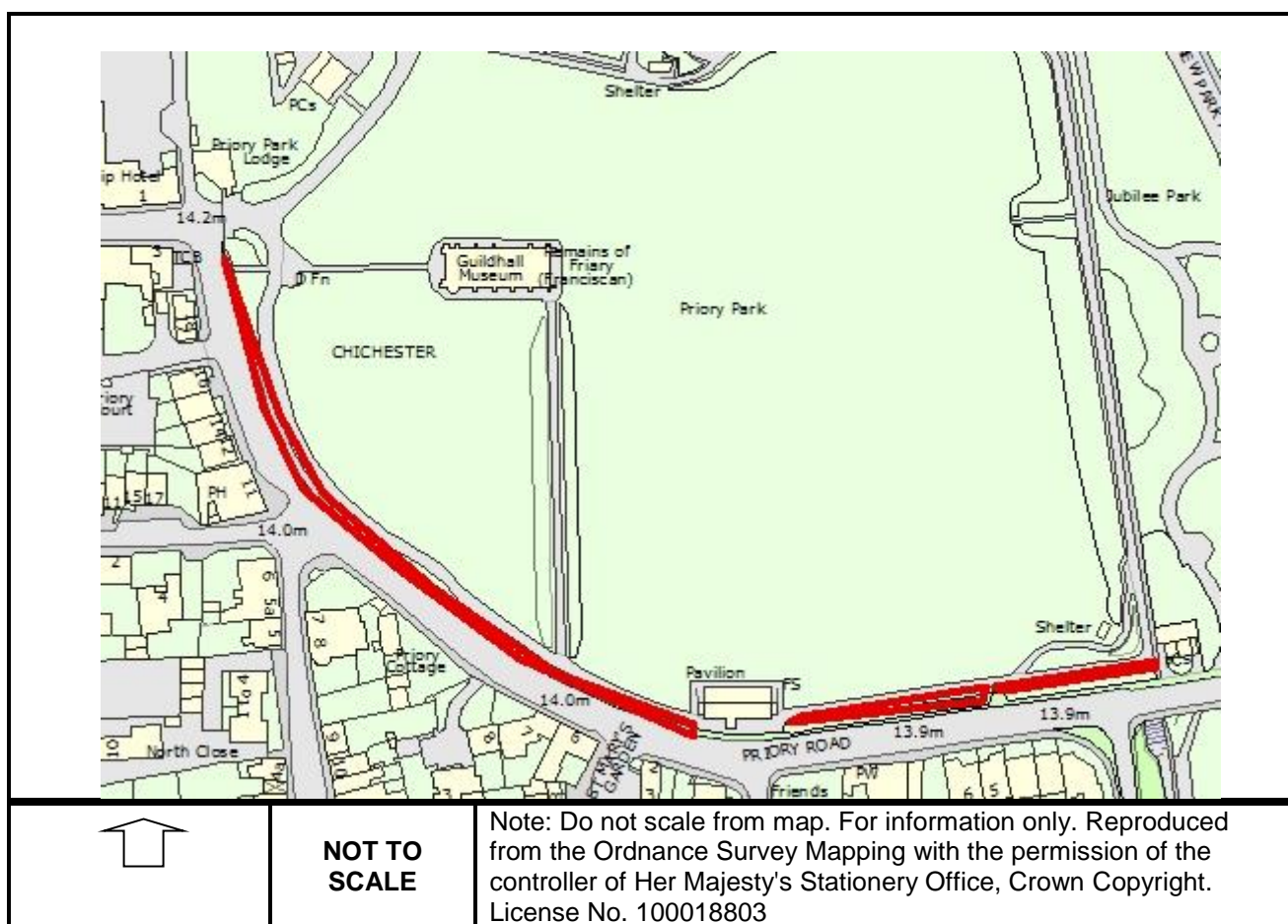
Proposal Installation of 1.2m bow top railings to the inner perimeter.

Site Priory Park Priory Lane Chichester West Sussex

Map Ref (E) 486295 (N) 105108

Applicant Chichester District Council

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 The Applicant is Chichester District Council

2.0 The Site and Surroundings

- 2.1 The application site includes the south and south-west boundaries to Priory Park, a historic and important public open space within the heart of Chichester city centre and the Chichester Conservation Area. The park is an archaeological Priority Area and contains Scheduled Ancient Monuments, listed and locally listed buildings including the; City Walls, Guildhall, location for the Chichester Castle, cricket pavilion and Priory Lodge. Formal cricket and bowls play spaces are laid out within the grounds of the park and the park also caters for children's play and includes a small café to the western boundary. The area forms a tranquil setting within the city, providing a public open space which includes both formal and informal elements. It is surrounded by the City Walls to the north and east, including mature trees.
- 2.2 The existing boundary treatments to the south and south-west boundaries of the park are formed of a mixture of hedgerow, mature trees and chestnut fencing. The levels are predominantly flat with the exception of the location of Chichester Castle.

3.0 The Proposal

- 3.1 The application proposes the installation of 1.2m high black galvanised steel bow top railings to the inner perimeter of Priory Park, to the south and southwest boundaries (to the inner side of the existing boundary hedge). The railings would be provided in three sections; the longest unbroken section (measuring 168 metres in length) would start to the south of the main western entrance to the park and would continue down to the western side of the existing cricket pavilion to the southern boundary. The second section would measure 53 metres in length, starting from the south eastern corner of the cricket pavilion along to the western side of the existing pedestrian gate punctuating the southern boundary, leading to Priory Road. The third section (measuring 36 metres in length) would run from the eastern side of the pedestrian gates to the southeast corner of the park to meet, but not attached to, the City Walls.

4.0 History

13/01803/FUL	PER	Temporary hot and cold food sales kiosk.
14/03892/FUL	REF	Single storey extension to existing sales kiosk to provide covered area for customers.
15/00543/FUL	PER	Application for a single storey extension to existing sales kiosk to provide covered area for customers, and extension of the timescale to retain structures until 31 December 2020.
16/03119/ADV	PER	2 no. non-illuminated welcome signs, 2 no. non-illuminated play area signs and 4 no. non-illuminated plaques on planter by Guildhall.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **City Council**

No objection.

6.2 **CCAAC**

CCAAC has no objection. It strongly supports the securing of the park. However, the railing would look better outside the hedge rather than inside, and consider that a height of 1200mm is inadequate to deter intruders and that 1500mm would be more effective.

6.3 **Chichester Society**

The Executive Committee are concerned that the proposal will disrupt the wildlife habitat of the existing well established hedgerow. Care must be taken in the installation of the fence and its location to not spoil this feature and the enjoyment of observing nature by children in the Park. We suggest a wildlife ranger is consulted and wonder whether the fence might better be provided on the outside of the hedge.

6.4 **CDC Archaeology Officer**

It is unlikely that the proposed fence would have an impact on archaeological structures or deposits that might be present. However, if anything of interest is exposed during installation it will be either preserved in-situ and/or properly recorded.

6.5 **Third Party Representations**

4 letters raising the following concerns;

- a) Old hedges and trees are not only irreplaceable and aesthetically beautiful, they also house a wide variety of bird life;

- b) Question 15 should be a YES in both respects as there are hedges and trees adjacent and both must be fully protected, especially against root damage leading to them dying. Any loss here would be very detrimental to the character and appearance of this area. Detail of required protection should be included in the application so it can be properly assessed;
- c) Are old chestnut palings exterior to the Park, mostly in poor condition, to be removed as part of the overall project? If intended this should form part of the application or imposed as a condition attached to any eventual consent; and
- d) Address is incorrect and misleading.

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 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 10: Chichester City Development Principles
 Policy 14: Development at Chichester City North
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk
 Policy 47: Heritage and Design
 Policy 48: Natural Environment
 Policy 49: Biodiversity

National Policy and Guidance

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

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

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

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

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), section 4, 7, 10, 11 and 12 are also relevant to this case.

Other Local Policy and Guidance

- 7.5 The following guidance is material to the determination of this planning application:

- Chichester Conservation Area Character Appraisal

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

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

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i) Impact on the visual amenity of the park and designated heritage assets
- ii) Ecological impacts
- iii) Effect on archaeological interests

i) Impacts on visual amenities and designated heritage assets

- 8.2 The railings would be designed with an interlaced bow top, made from galvanised steel and finished in black. This approach would be consistent with existing railings within Priory Park. The overall height of the railings would be 1.2m from finished ground level. The purpose of the railings is to prevent informal pedestrian access through the existing hedgerow, thereby damaging this sensitive and important boundary treatment. The height and proposed location of the railings within the park would therefore deter unwanted access whilst maintaining the character of the park provided for by the existing hedgerow. Locating the railings on the outside edge of the park as suggested by the CCAAC would require significant removal of existing hedgerow to the detriment of the visual amenities of the park.

- 8.3 The railings would be set away from the Guild Hall (Greyfriars Chapel) and Chichester Castle, both Scheduled Ancient Monuments (SAM). The last 5m section of railings would be erected over the SAM designation of the City Wall. Consent from Historic England has separately been given for three holes to hold the posts within this SAM area – the railings would not be attached to the City Wall itself. Similarly the railings would run close to the locally listed pavilion but would not be attached to it. The existing chestnut and wire fencing would be removed as part of the proposal. The proposal has been prepared in consultation with the CDC Archaeology Officer and Historic Buildings Advisor who have not objected to the scheme. The design, height and siting of the railings would be sympathetic to the traditional character and

quality of the site and immediate locality, including the SAMs and designated heritage assets.

- 8.4 Having regard to the above assessment the railings are considered to be sympathetic to the traditional character, appearance and setting of the site and surroundings. Consequently the proposal is considered to comply with CLP policies 2 and 47 and paragraphs 14 and 17 and sections 7 and 12 of the NPPF and Historic England's Guidance.

ii) Ecological impacts

- 8.5 The installation of the proposed railings would have minimal impact on the existing boundary hedge. The affected existing hedge would need trimming to allow for the railings to be implemented, hedge trimming is a common occurrence and necessary maintenance in a public park. The holes for the posts for the railing would need sensitive implementation in order to ensure the roots of the hedges and trees are not harmed, however given the modest size of the fixings the impact on the roots is unlikely to be to a degree that would be harmful to the root system and health of the hedges. The application proposes enhancements to the hedge where necessary.

iii) Effect on archaeological interests

- 8.6 The CDC Archaeology Officer has commented that it is unlikely that the proposed railings would have an impact on archaeological structures or deposits that might be present. Given the modest amount of excavations for each hole, to fix the railings to the ground and the limited depth of these holes - artefacts of archaeological importance, within this area, are normally located at a depth of 600mm or greater below surface ground level and therefore are unlikely to be found as a result of the proposed development. The consent granted by Historic England limits excavations within city wall SAM area to three excavation holes at 300mm in diameter by 450mm in depth. Should any artefacts of archaeological importance be found they should be recorded and reported to the Planning Authority. A condition requiring the recording and submission of any unexpected finding during the course of the development would be necessary.

Conclusion

- 8.7 In the consideration of this case special regard to the desirability of preserving the heritage assets, their setting and any features of special architectural or historic interest which it possesses has been given.
- 8.8 Based on the above assessment, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise. Therefore, subject to conditions, permission should be granted.

Human Rights

- 8.9 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: 11.5.17 and Drg 01.

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

3) Prior to implementation of the metal railings hereby permitted the existing chestnut and wire paling fence shall be removed in its entirety from the application site.

Reason; In the interest of visual amenities.

4) The steel railings hereby permitted shall be finished in black and retained and maintained as such in perpetuity.

Reason: In the interest of visual amenities and to respect the setting, character and appearance of the heritage assets.

5) If any artefacts of archeological importance are found during the construction period associated with the railings, a full record of its existence shall be collated and submitted to the Local Planning Authority.

Reason: In the interest of conserving this archaeology priority area.

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.
- 2) 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 Maria Tomlinson on 01243 534734