

Public Document Pack

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A meeting of **Planning Committee** will be held in Virtual on **Wednesday 5 May 2021** at **9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

AGENDA

Part 1

16 **Agenda Update Sheet** (Pages 1 - 5)

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers within Part 1 of the agenda on Chichester District Council's website at <http://www.chichester.gov.uk/committees>.
3. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
4. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Agenda Update Sheet

Planning Committee
Wednesday 5 May 2021

ITEM: 5

APPLICATION NO: 20/02726/FUL

COMMENT:

Addendum to report:

Revised wording to informative 1. The first line of the informative should read as follows:

Provision shall be made within the Noise Management Plan for the incorporation of the following measures:

Representations:

West Sussex Highways

Clarification (04.05.21)

I can confirm that the Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

ITEM: 7

APPLICATION NO: 20/03360/FUL

COMMENT:

Addendum to report

The description of the proposal should read: Construction of a two-storey side extension to provide 1 no. additional dwelling and associated works including parking.

The recommendation on page 31 should read: Delegate to officers to permit, subject to no objection being raised by the water service and sewerage service providers (South East Water and Thames Water).

Additional Consultation Comments

West Sussex Highways

Further comments (04.05.21)

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. The LHA has been re-consulted on this application following amendment of the proposed plans. The amended plans do not appear to alter the proposed number of bedrooms or parking spaces. As such, the LHA's previously advised comments and conditions are still considered valid, please refer to these when determining this application.

West Sussex Fire and Rescue Service

Further comments (29.04.2021)

As this is for an extension to an existing property and not a full new build it can be argued that the property met with the required building regulations when it was originally built. If it had been a total new build it would have required some form of mitigation and the easiest route would probably be either domestic sprinkler or water mist systems complying with British Standard 9251 or 8458.

I think in this circumstance as it is an extension to an existing building and not a new build it could prove difficult to insist on meeting the current requirements, particularly as it is not a full re-build property. So my e-mail would be considered as advisory information only.

Original comments 29.04.2021

Having viewed the planning application no. 20/03360/FUL for two new properties, it does not comply with the requirements of Approved Document – B (AD-B) Volume 1: 2019 edition B5 section 13. Although the access road has sufficient width for a fire appliance, there is insufficient provision of a suitable turning area for an appliance to turn round and make an exit, as identified in AD-B section 13 Table 13.1, para 13.3 – 13.4 and diagram 13.4. Therefore evidence will be required on how this will be achieved. Although a house existed here previously, these are two new build houses and therefore need to comply with current building regulations.

CDC Environmental Protection

Further comments (28.04.2021)

We have no further comments to make and Steph's comment on 25/3/21 still applies.

Additional Third-Party Representations

3 no. third parties have submitted additional representations commenting on the following matters;

- a) As the proposed dwelling would face 9 Pegasus Close it would be a back-to-back situation which would breach the Design Guidelines for Alterations to Dwellings and Extensions as the 21m distance required for two storey development would not be possible.
- b) The front door of Plot 2 being to the south side elevation would look unusual compared to the other properties along the drive and would not be in keeping with the character of the surrounding area and its setting in the landscape.
- c) A small two-bedroom dwelling is not in keeping with the other three-bedroom family dwellings.
- d) The side accesses to the rear of the plots look narrow and with the additional fence would make it very tight to move bicycles and bins down. This would not be a good selling point for new owners.
- e) Vehicles reversing into the parking spaces would cause fumes to the rear garden of 9 Pegasus Court. Deliveries would create additional noise.
- f) The builders' vehicles caused fumes and noise.
- g) The swept path analysis used software based on input parameters which would only work parking a vehicle in a virtual reality world. A standard vehicle without park assist technology would not successfully park their vehicle in the spaces. Neighbours will be asked to move their vehicle.
- h) The cars parked at the top of the drive would not be able to turn round and drive forwards out because of the cars parked at the development.
- i) The new dwelling would increase the amount of delivery/tradespeople to the area by 25% with no room to manoeuvre increasing the danger to people using Copse Road.
- j) Manoeuvring is not possible in the area and current deliveries have to reverse up the private driveway.
- k) Suspects that a fire appliance would not have been able to turn around to make an exit before the extension was built but the plan to separate the garden and access via a path White Cottage should be a concern for anyone trying to reach the rear of the property in the event of a fire. With the original application this would have been fine.
- l) Space has been borrowed from White Cottage to provide the parking spaces to the proposed dwelling. Occupiers of White Cottage would not tolerate a neighbour's vehicle parked in front of their living room window causing people to park on the private driveway or Copse Road.
- m) A site visit is requested to understand the issues.
- n) Would have objected to the previous applications if had known the extension would be converted into a dwelling.
- o) Disappointed that the Committee report recommends permit, there is a lack of consideration to the objections.
- p) A planning notice was not displayed and neighbours were not informed of the change in proposal description.
- q) The application could set a precedent.

Applicant's supporting information

Two letters have been submitted by the applicant in response to the further third party comments, dated 29th April and 3rd May, commenting on the following matters:

- a) The proposed dwelling fronting onto the private road with the front door on the south side elevation is not an unusual arrangement.
- b) The rear-to-rear distance stated within the application is correct.
- c) The pedestrian access would be of a suitable size for bicycles and bins.
- d) Planning permission 20/00952/DOM has been approved and implemented, this included parking to the front of the property as included in this application which has been implemented. The development would not cause additional vehicle fumes or noise.
- e) The swept path analysis has been completed by a third party independent specialist consultant using industry approved software to demonstrate safe access, turning and parking. This was based on a laser accurate topography survey completed by a third-party independent consultant. Safe access, parking and leaving in a forward gear can be achieved at the site. Highways do not object to it.
- f) There are no grounds for the suggested 25% increase in deliveries/tradesmen to the area.
- g) CDC does not have a 5 year housing land supply.
- h) CDC does not object to the application.
- i) A site visit has been undertaken by CDC Officers.
- j) The correct procedure for the proposed development has been followed.
- k) The proposal description was changed following a request by CDC and a new site notice was displayed on Copse Road.
- l) Land owned by the applicant can be legally split in any way they wish, it is common for developments to have shared driveways and this is not a policy matter.
- m) The dwelling achieves all the required minimum standards in regards to floor area, amenity space and access.
- n) There is no restriction on the amount or type of planning applications that can be made at a site.
- o) The original comments by West Sussex Fire and Rescue were due to a misunderstanding of the proposal. The proposal is not for a full new build, their comments are a building regulation matter not a planning matter and can be addressed through a number of solutions should it be deemed appropriate.
- p) The site previously had a garage in the location of the proposed parking therefore this part of the site has been historically used for access, turning and parking and still has the legal right to do so.
- q) All consultees as well as the planning department have not raised any concerns with the application.

Additional Conditions

8. Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, the dwelling at Plot 02 shall not be first occupied until the first floor window(s) in the west elevation of the development hereby permitted, shown to serve the landing and bathroom, shall be permanently;

(i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and

(ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Reason: To protect the privacy of the occupants of the adjoining residential property.

9. Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the north, west or south elevations of the dwelling at Plot 02 hereby permitted without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area

APPEAL DECISIONS:

Reference/Procedure	Proposal
<u>20/02001/FUL</u>	
<p>East Wittering And Bracklesham Parish</p> <p>Case Officer: Vicki Baker</p> <p>Written Representation</p>	<p>Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE</p> <p>New access to the highway.</p>

Appeal Decision: APPEAL DISMISSED

.”... No formal ecological surveys appear to have been undertaken. It is a well-established principle that the presence or otherwise of protected species, and the extent to which they may be affected by proposed development should be established before planning permission is granted. That has not occurred here. ...There is an unacceptable risk of harm to biodiversity, particularly bats. There are a number of existing openings provided along the road, providing vehicular access for residential and agricultural purposes. ... The new access would follow the precedent set by these existing openings so would not in principle appear out of place. ... whilst it would appear slightly more formal than other accesses along the road, the development would not be visually obtrusive or detract from the wider rural surroundings. ... Whilst the proposal would be acceptable in terms of its effect on the character and appearance of the area, there would be unacceptable harm to protected species, specifically bats. The proposal therefore conflicts with the development plan. ...”

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