

# Public Document Pack

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A meeting of **Planning Committee** will be held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on **Wednesday 4 December 2019** 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 H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and Mr P Wilding

## AGENDA

### 1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes**

The minutes relate to the meeting of the Planning Committee on 6 November 2019 (to follow).

### 3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 14.

### 4 **Declarations of Interests** (Pages 1 - 2)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 10 INCLUSIVE

Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

### 5 **WW/19/01622/FUL - Surbitonia, 45 Howard Avenue, West Wittering, PO20**

**8EX** (Pages 3 - 22)

Demolition of an existing bungalow with a garage and erection of 2 no. replacement two storey dwellings with separate access and parking

6 **TG/19/02365/FUL - Land To The West Of Hangar Drive, Tangmere, West Sussex** (Pages 23 - 37)

Erection of 6 no. flats with associated parking, bin and cycle store, landscaping and open space (consistent with scheme approved under 16/00444/FUL).

7 **PS/19/00682/FUL - Crouchlands Farm, Rickmans Lane, Plaistow, RH14 0LE** (Pages 39 - 49)

Installation of 3 no. portacabin buildings consisting of 1 no. two storey office, 1 no. single storey toilet block and 1 no. single storey welfare unit for a temporary 2 year period.

8 **CC/19/02109/TPA - 41 Lyndhurst Road, Chichester, West Sussex, PO19 7PE** (Pages 51 - 60)

Fell 1 no. Holm Oak tree (T3) subject to CC/93/00284/TPO.

9 **CC/19/01286/FUL - Abbas Combe Nursing Home, 93 And 94 Whyke Road, Chichester, West Sussex** (Pages 61 - 95)

Demolition of existing care home and detached bungalow, construction of new 55 bed care home.

10 **BI/19/02122/FUL - Broomer Farm, Lock Lane, Birdham, PO20 7AX** (Pages 97 - 106)

Change of use of the land from agricultural to mixture of agricultural and equestrian. Erection of 1 no. building for keeping horses and agricultural equipment and hay storage

11 **Parking Guidance Report** (Pages 107 - 110)

The Committee is requested to note the introduction of the new 'WSCC Guidance on Parking at New Developments August 2019' and that, in accordance with Local Plan Policy 39, the guidance will be used by the Council in determining all planning applications.

12 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters, Between 17-Oct-2019 and 19-Nov-2019** (Pages 111 - 126)

The Planning Committee will consider the monthly schedule updating the position with regards to planning appeals, litigation and recent planning policy publications or pronouncements.

13 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters, Between 17-Oct-2019 and 19-Nov-2019** (Pages 127 - 135)

The Planning Committee will consider the monthly schedule updating the position with regards to planning appeals, litigation and recent planning policy publications or pronouncements.

14 **Consideration of any late items as follows:**

The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:

- a) Items added to the agenda papers and made available for public inspection
- b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

15 **Exclusion of the Press and Public**

## 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 on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. 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]
5. 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

### **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

**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

**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

## **Chichester District Council**

### **Planning Committee**

**Wednesday 4 December 2019**

#### **Declarations of Interests**

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

#### **Personal Interests - Membership of Parish Councils**

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr H C Potter – Boxgrove Parish Council (BG)
- Mrs S M Sharp – Chichester City Council (CC)
- Rev J-H Bowden – Chichester City Council (CC)
- Mr P J H Wilding – Lurgashall Parish Council (LG)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson – Selsey Town Council (ST)
- Mrs L C Purnell – Selsey Town Council (ST)
- Mr R A Briscoe – Westbourne Parish Council (WB)

### **Personal Interests - Membership of West Sussex County Council**

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

### **Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies**

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr H Potter – South Downs National Park Authority

### **Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies**

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

### **Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies**

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

### **Personal Interests – Other Membership of Public Bodies**

The following member of the Planning Committee declares a personal interest as a member of the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

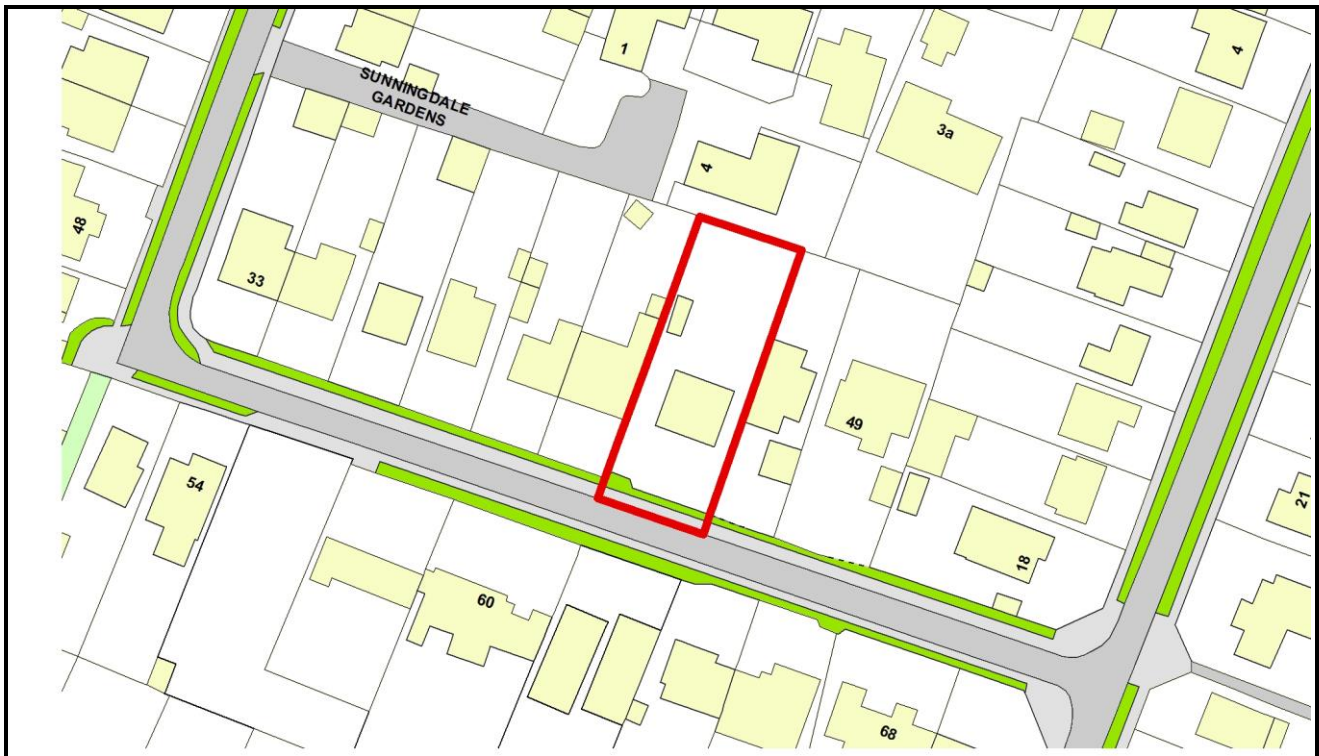
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: West Wittering	Ward: The Witterings
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**WW/19/01622/FUL**

<b>Proposal</b>	Demolition of an existing bungalow with a garage and erection of 2 no. replacement two storey dwellings with separate access and parking.		
<b>Site</b>	Surbitonia 45 Howard Avenue West Wittering PO20 8EX		
<b>Map Ref</b>	(E) 478906 (N) 97259		
<b>Applicant</b>	Mr Les Higgins	<b>Agent</b>	Mr Patrick Ciemierkiewicz

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site is located on the northern side of Howard Avenue, a residential street within the East Wittering and Bracklesham settlement boundary. Howard Avenue comprises a mix of architectural styles with earlier brick built bungalow buildings being present alongside a mix of larger two storey dwellings. There is a range of detached and semi-detached properties along Howard Avenue, most of which are set back from the road side with the provision of front amenity space.

2.2 The character of the road comprises of a mix of one and two storey detached and semi-detached properties of various heights and scale. The front gardens are open to the road with some low level walls abutting the pavements. The site is occupied by a detached bungalow, with a detached garage.

## **3.0 The Proposal**

3.1 The application seeks planning permission for the demolition of the existing bungalow and garage the construction of 2 no. two storey detached dwellings, each with 3 bedrooms. Both dwellings would each incorporate a private driveway accommodating 3 parking spaces (six in total) and front gardens with both hard and soft landscaping.

3.2 Each of the proposed new dwellings would have a height of 7m, a width of 6.7m and an eaves height of 4.9m whilst the depth of the proposed dwellings would vary. The depth of the proposed dwelling on plot 1 would measure approximately 12.9m at 2 storeys increasing to 17.9m with the single storey rear projection. The depth of the proposed dwelling on plot 2 would measure 14.4m at 2 storeys increasing to 17.1m with the single storey rear projection.

3.3 Both properties would comprise a mix of materials and finishing. Plot 1 would be a mixture of timber cladding and white render with dark grey windows and a slate roof. Plot 2 would comprise a mix of timber cladding and brickwork with dark windows and a slate roof.

3.4 The dwellings have been amended since the original submission, and these changes include;

- introduction of hipped roofs
- replacement of dark coloured cladding with lighter cladding, render and brick work to the elevations
- stepping back of plot 1 to provide a respond to the varied building line
- introduction of balcony on front elevation of plot 1
- provision of additional landscaping to plot 1



## 5.0 Constraints

Listed Building	No
Conservation Area	No
CLP Designated Countryside	No
AONB	No
Tree Preservation Order	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

*Further comments (21/10/2019)*

In my opinion all the reasons for the Council objecting remain: over-development of the site, excessive bulk, inadequate parking and out of character. One might add that these proposed houses do nothing to meet the needs of the community. I.e. bungalows for the elderly and affordable housing for the young.

Objection on the grounds that the development is contrary to the Parish Council's Village Design. In particular the cumulative effect that the over development of the site has on the village and the dark cladding on one of the properties. The space is also very narrow for two large houses and the impact on parking in the area is also a major problem.

*Original comments (02/08/2019)*

Objection on the grounds that the development is contrary to the Parish Council's Village Design. In particular the cumulative effect that the over development of the site has on the village and the dark cladding on one of the properties. The space is also very narrow for two large houses and the impact on parking in the area is also a major problem.

### 6.2 WSSC Highways

Summary

This proposal is for the demolition of an existing bungalow and erection of 2 detached two-storey dwellings. The site is located on Howard Avenue, an unclassified road subject to a speed limit of 30mph.

## Access and visibility

Each dwelling will have a separate access onto Howard Avenue. The proposed widths of the accesses are approximately 7.5m for plot one and 4.1m for plot two. The existing vehicle crossover (VCO) for plot one will require widening, whilst the access for plot two will require a new VCO. Both will be subject to a licence and constructed to a specification agreed with the Local Area Engineer the applicant should be aware that a maximum width of 6.4m is permitted for accesses, so the proposed access for plot one may have to be revised to meet this.

Visibility at the accesses appears sufficient and inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing concern.

The crossover works will require the relocation of the road sign located on publically maintained highway fronting the application site. These relocation works would need to be undertaken at the expense of the applicant. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of the road sign. The sign will need to be relocated at least 1.5m from the location of the top of the ramped kerb of the proposed VCO. Alternatively, the plans could be modified so the VCO is at least 1.5m away from the road sign.

## Parking and turning

3 car parking spaces are proposed for each dwelling, 6 in total. Each parking bay meets the minimum specifications for single car bays of 2.4m x 4.8m as set out in Manual for Streets. The WSCC Car Parking Demand Calculator indicates that each property would create a demand for 3 car parking spaces, which the plans meet.

On-site turning does not appear to be achievable, so vehicles may have to exit the site onto Howard Avenue in a reverse gear. This is the existing arrangement and neighbouring properties also appear to operate similar arrangements. Given that they are operating safely, this proposal is not anticipated to result in a highway safety concern

## Sustainability

The site is situated within walking distance of shops and a primary school. Buses can be caught from Cakeham Road, an approximate 2 minute walk from the site, offering services within the Witterings and to Chichester.

Cycling is a viable option in the area. Secure and covered cycle storage was demonstrated in the plans. The inclusion of cycle storage increases the sustainability of the site by offering alternative modes of transport to the private car.

## Conclusion

The LHA does not consider that this proposal would have 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.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

### Conditions

#### Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

#### 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.

### Informatives

#### Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

#### Street Sign

The applicant is advised to organise the relocation works of the street sign.

### 6.3 CDC Environment Officer

#### Bats

Following submission of the Bat Survey Report (July 2019) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

#### Reptiles

To ensure the site remains unsuitable for reptiles, the lawn area should be mown over the winter months to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

#### Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

We would like a bird box to be installed on new properties and/ or tree within the garden of the property.

#### Recreational Disturbance

For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

### 6.4 CDC Environmental Health

Our department has no objection to the proposals from an Environmental Health perspective.

### 6.5 CDC Land and Coastal Drainage Officer

*Additional comments (15/08/2019)*

Winter groundwater monitoring was completed. But winter infiltration testing at appropriate depths above this have not. I would not want to change the condition to prior to construction. Surface water drainage should be one of the first things constructed. It should still be prior to commencement.

FYI- Infiltration potential can vary significantly over small distances, building control officers also frequently fail to obtain infiltration test results. On site infiltration tests must be completed in the winter in accordance with BRE365.

*Further comments (07/08/2019)*

No winter infiltration testing appears to have been completed to date. The groundwater levels recorded do not preclude the use of infiltration.

Thank you for consulting us. I have the following comments regarding flood risk and surface water drainage.

Flood risk- the application lies within flood zone 1 (low risk), we therefore have no objections to the proposals on flood risk grounds.

Surface water drainage- the application form indicates that soakaways are proposed for surface water disposal. However, the documents submitted include some winter groundwater monitoring, with groundwater reaching 0.59-0.69m below ground level. Shallow infiltration testing should be completed in the winter above this depth to examine if permeable paving is a suitable solution for surface water drainage. It may be that infiltration is not suitable on this site.

If you are minded to approve this application please apply the following condition to ensure the development 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 the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, 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."

*Original comments (17/07/2019)*

Flood risk- the application lies within flood zone 1 (low risk), we therefore have no objections to the proposals on flood risk grounds.

Surface water drainage- the application form indicates that soakaways are proposed or surface water disposal. However, the documents submitted include some winter groundwater monitoring, with groundwater reaching 0.59-0.69m below ground level. Shallow infiltration testing should be completed in the winter above this depth to examine if permeable paving is a suitable solution for surface water drainage. It may be that infiltration is not suitable on this site.

If you are minded to approve this application please apply the following condition to ensure the development 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 the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, 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."

## 6.6 Third Party Objections

4 letters of objection have been received raising the following issue;

- a) Living opposite the development we note that the application states Cedral Click smooth fibre cement cladding C04 is to be used. C04 is black and we strongly object to the use of this colour cladding.
- b) After losing the open aspect of a bungalow being replaced by two houses, the use of black cladding will be oppressive and imposing and in complete contrast to any the building in Howard Avenue.
- c) Document Design and Access statement is confusing. The artist impressions show plot 1 as vertical wood cladding and plot 2 at black cladding , however in section 8 the materials are reversed with plot 1 being black cladding and plot 2 wood cladding.
- d) This part of Howard Avenue is already overdeveloped.
- e) Replacing single storey bungalows with two detached 3 or 4 bedroom houses on several plots already has changed the character of the road and made it feel much more enclosed and urban when before it felt light and airy, as is appropriate so close to the sea.
- f) Allowing this development will start to make the streetscape oppressive - the very dark/black finish on one of these proposed houses will only intensify this. This is an inappropriate over-development of the site.
- g) The 2006 West Wittering Village Design Statement already noted that some areas in this part of the village appeared overcrowded.

## 6.7 Third party letters of support

3 letters of support have been received providing the following comments;

- a) Significantly enhance both the plot and also the road

## 6.8 Applicant/Agent's Supporting Information

We also note the latest comments from the drainage engineer and we would like to advise that no site we have ever worked on has installed drainage prior to demolition, site strip or foundation installation as it is not practical. We are asking for the pre-commencement to be changed to above ground construction, as once the foundation trenches are poured we cannot proceed until the drainage has been installed. This will give us enough time to monitor, and clear the condition whilst allowing my client to start the project within incurring additional costs for having a site that is un-occupied but cannot demolished.

## 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 West Wittering 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 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

### National Policy and Guidance

- 7.3 Government planning policy now comprises the 2019 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment).
- 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 documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
  - Surface Water and Foul Drainage SPD
  - CDC Waste Storage and Collection Guidance
  - West Wittering Village Design Statement
- 7.7 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. Impact on visual amenity, character of site and surroundings
- iii. Impacts on amenity of neighbouring properties
- iv. Highway safety and parking
- v. Drainage
- vi. Ecological considerations
- vii. Sustainability

### Assessment

#### i. Principle of the development

8.2 The application site is located within the settlement of East Wittering and Bracklesham, a designated Settlement Hub which as defined by Policy 2 of the Chichester Local Plan is a suitable location for new development. The site is close to the centre of the settlement and there are a range of services and facilities within the centre that ensures the site lies in a sustainable location. In accordance with the NPPF there is a presumption in favour of sustainable development.

8.3 Consequently it is considered that in this location the demolition of the existing property and its replacement with two detached dwellings is supported, in principle, by the current plan for the district and the overarching objectives of the 2019 NPPF.

#### ii. Impact on visual amenity, character of site and surroundings

8.4 Policy 33 of the Local Plan 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. Paragraph 127 of the NPPF requires development to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

8.5 The site is located within a row of properties that vary in form, height, detailed design and appearance. The application site lies within Area 3 (South East Marine) of the West Wittering Village Design Statement (VDS), and the VDS states that the character of the area is eclectic and presents few limitations on the style of any new development. Along the southern section of Howard Avenue there have been a number of changes to the character and appearance of properties in recent years. Existing properties have introduced replacement facing materials on existing dwellings, such as Cedar boarding to reflect the coastal character of newer properties in the locality, and several modern 2 storey dwellings have been constructed close to the application site. As such the street upon which the application site lies has a varied character, which provides scope to accommodate new development of a high quality without harm to the character and appearance of the locality.

- 8.6 The proposed development would subdivide the plot into 2 no. residential parcels whilst maintaining gaps between the two plots and surrounding development. The gaps between properties would be comparable to other properties in the locality, many of which have a tightknit relationship with surrounding dwellings. The proposed plots would be slightly narrower than other plots within the street, however it is considered that the creation of two slightly narrower plots would not in itself be harmful to the character of the streetscene. The properties would be set back from the front of the site. Plot 1 would be set slightly further forward than Plot 2, which would positively address the disparity in building lines between Nos 43 and 49 Howard Avenue. Most properties along Howard Avenue are set back from the main road and provide off-road parking forward of the dwellings. Therefore the siting of the dwellings, provision of off road parking and landscaping within the front gardens would ensure that the character of the area would be reinforced.
- 8.7 The proposed siting of the properties would ensure that the buildings would reflect the existing layout and character of Howard Avenue. It is therefore considered that whilst the amount of development within the site would increase, the proposed sub-division of the existing plot and the creation of 2 dwellings on the site would not appear unduly cramped or an over development of the site.
- 8.8 Howard Avenue comprises a mix of 1 and two storey dwellings. The height of the dwellings would match that of the neighbouring properties. The layout of the site coupled with the proposed ridge heights at, or below, the other 2 storey properties in the street would ensure that the massing and bulk of the units would be incorporated well within the existing street scape. Therefore, whilst the proposed development would replace a bungalow it would not appear incongruous within the streetscene. Furthermore, the proposed dwellings would be individually designed properties with a mixed pallet of materials appropriate to the locality, ensuring that the buildings would assimilate well into the streetscene. The concerns about the use of dark coloured cladding have been resolved via the submission of amended plans replacing the dark cladding with a lighter finish.
- 8.9 Recent developments have taken place in the immediate area of Howard Avenue, with a mix of architectural styles and materials being used. These developments utilize similar shaped/sized plots of land as 45 Howard Avenue and have developed these with detached housing of comparable scale to that of the proposed. The proportions of the proposed dwellings are similar to that of other new build developments within the immediate area. The length and width of the dwellings allow for side access, rear amenity space and on site car parking to the front. The proposal has been amended to increase the soft landscaping to the front of the two proposed dwellings and the inclusion of a small front boundary wall. This is in keeping with the character of the area and is recommended a condition is attached to secure full details of the boundary treatments.

8.10 Taking the above considerations into account, the development would achieve a high quality design that would be assimilated into the existing street scape positively. On this basis, the development would accord with Policy 33 of the Chichester Local Plan, Section 7 of the NPPF and the West Wittering Village Design Statement

iii. Impacts on amenity of neighbouring properties

8.11 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.12 The neighbouring property to the west includes a single storey side and rear extension abutting the boundary with the application site, and the first floor bedroom window is set off of the boundary. To the east, the neighbouring property is also 2 storeys, and it includes a rear single storey pitched roof extension. Neither proposed dwelling would encroach within the 45 degree angle, taken from the centre point of nearest rear facing window of the properties either side of the site, as set out in the Council's design guidance.

8.13 The proposed fenestration of the two dwellings ensures that all main windows to habitable spaces are located on the north and south facades. Any windows that are located on the east and west elevations, at first floor, would be located at high level, with windows to ensembles/bathrooms being obscure and fixed below 1.7m from finished first floor level. In addition, the proposed balconies would be provided with privacy screens to ensure they would not result in overlooking.

8.14 In order to ensure that the properties are not further extended in a manner that would be overbearing it is recommended that Permitted Development Rights for extensions and roof alterations be removed. This will therefore require any further extension to be assessed by the Local Planning Authority.

8.15 On balance the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore it is considered that the development complies with policy 33 of the current CLP and 127 of the 2019 NPPF.

iv. Highway safety and parking

8.16 Parking would be achieved by utilising driveways at the front of the plots. The vehicular parking area would be capable of accommodating 3 cars without the use of a garage. At the rear of the garden, bicycle storage provision would be provided in form of small sheds.

8.17 WSCC Highways have been consulted and have not raised a highway safety objection. Conditions have been suggested which have been integrated into this recommendation.

8.18 Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v. Drainage

8.19 The CDC Land and Costal Drainage Officer has been consulted and has provided advice regarding surface water drainage and requested a 'Prior to commencement' condition be attached to any permission, as the surface water drainage should be one of the first things constructed. The applicant has request that the demolition be allowed to take place, rather than preventing commencement of development, prior to the submission of drainage details. Officers consider that an amendment to the suggest condition to require further monitoring and surface water drainage details prior to any ground works, footings and construction of the walls taking place would be reasonable. This would allow for the demolition to be undertaken whilst these matters are agreed as part of a discharge of condition application, and therefore no construction could begin in site until the drainage details have been approved by the local planning authority.

vi. Ecological considerations

8.20 Policy 50 of the Chichester Local Plan states that; it is Natural England's advice that all net increases in residential development within the 5.6km 'Zone of Influence' are likely to have a significant effect on the Chichester and Langstone Harbours SPA either alone or in-combination with other developments and will need to be subject to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2017. In the absence of appropriate avoidance and/or mitigation measures that will enable the planning authority to ascertain that the development would not adversely affect the integrity of the SPA, planning permission will not be granted because the tests for derogations in Regulation 62 are unlikely to be met. Furthermore, such development would not have the benefit of the presumption in favour of sustainable development in the National Planning Policy Framework.

8.21 The Applicant has submitted a Unilateral Undertaking and a financial contribution for the additional dwelling proposed on the site. In addition, the local planning authority has carried out an Appropriate Assessment which has concluded that the likely significant effect has been mitigated appropriately given the submitted mitigation measures.

8.22 In respect of protected species; evidence of bats have been found within the existing bungalow and appropriate surveys have been submitted. The Council's Environment Officer has confirmed that the surveys are acceptable and propose suitable mitigation measures. A condition is proposed to ensure the development in carried out in full accordance with the surveys. In respect of this matter a Natural England license will also be required in addition to the planning permission.

8.23 For the reasons set out above the proposal would accord with national and local planning policies in respect of ecological considerations.

vi. Sustainability

8.24 Policy 40 of the Chichester Local Plan seeks to minimise the impact of the development upon climate change. A condition is recommended to ensure that a strategy outlining details of the sustainable design and construction, including charging points is submitted.

## Conclusion

8.25 On balance of all aspects of this case it is considered that 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

8.26 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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) The implementation of this planning permission shall be carried out strictly in accordance with the method of works, recommendations, enhancements and mitigation measures detailed in the submitted; Bat Survey Report (July 2019) by aLyne ecology.

Reason: To ensure that the protection of protected species, ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

4) Prior to any ground works taking place to form the; footings and/or slabs for the dwellings and any proposed external surfaces, boundary treatments and outbuildings hereby permitted; a proposed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The design of which 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 the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage.

The development shall only be implemented in accordance with the agreed drainage scheme.

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: in the interest of water management to ensure suitable drainage for this site and in the interest of managing localised flood risk.

5) Notwithstanding the information regarding materials within the approved plans and application details; no development, in respect of the construction of the walls and roofs for the replacement dwellings hereby permitted, shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs and window and doors of the main house and hard surfaces for the gardens and parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure buildings of visual quality.

6) Prior to completion or first occupation of the dwellings hereby permitted whichever is the sooner details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled 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 visual amenities.

7) 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 amenity and ensuring sufficient car parking on-site to meet the needs of the development.

8) Before development commences, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing:

- i) refuse bin storage (sufficient for 2 no. 240 litre wheeled bins);
- ii) secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

The development shall not be carried out other than in accordance with the approved details.

Reason: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

9) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include; a scaled site plan indicating the planting scheme for the site showing the, schedule of plants and positions, species, plant sizes (at time of planting), and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hardsurfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme 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: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees and to conserve and enhance biodiversity.

10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B, C and D of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

11) The proposed hardstanding and driveway shall be constructed of porous materials and shall be retained in that condition in perpetuity.

Reason: To protect the environment, restrict the amount of additional run off water and to reduce the risk of surface water flooding.

12) Any proposed external lighting system shall comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution and Bat Survey Report (July 2019) by a Lyne ecology.

Reason: in the interest of conservation of wildlife and protected species and in the interest of light pollution.

13) 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.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - SUBSTITUTE PLAN 30/8/19 PROPOSED SITE PLANS	28064-PL101	REV D	12.11.2019	Approved
PLAN - SUBSTITUTE PLAN 30/8/19 PROPOSED FLOOR PLANS	28064-PL102	REV E	12.11.2019	Approved
PLAN - SUBSTITUTE PLAN 30/8/19 PROPOSED SECTION	28064-PL104	REV B	12.11.2019	Approved



## 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 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](mailto: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).

3) The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page: <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

4) The applicant is advised to organise the relocation works of the street sign, and the onus is upon the applicant to ensure any necessary consents or licences to carry out these works are obtained in advance of the works.

5) The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place

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

To view the application use the following link -

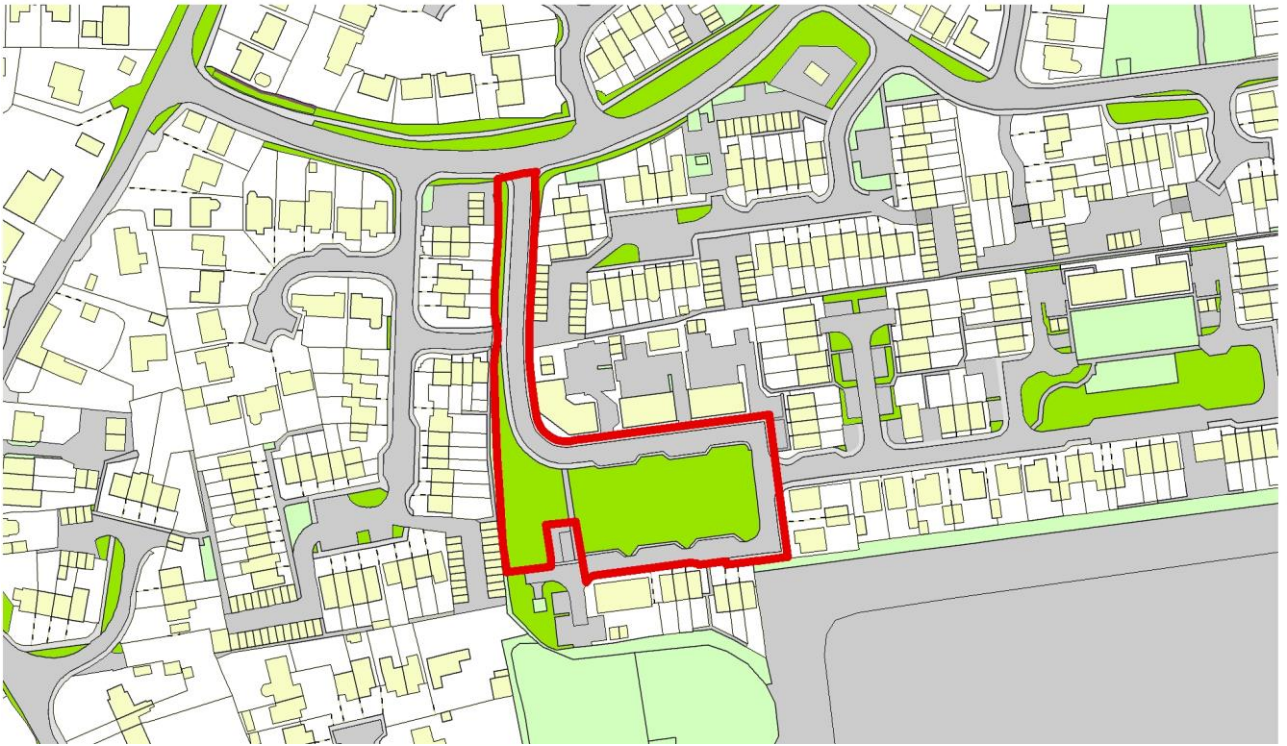
<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTECV3ERMBG00>


Parish: Tangmere	Ward: North Mundham And Tangmere
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**TG/19/02365/FUL**

<b>Proposal</b>	Erection of 6 no. flats with associated parking, bin and cycle store, landscaping and open space (consistent with scheme approved under 16/00444/FUL).		
<b>Site</b>	Land To The West Of Hangar Drive Tangmere West Sussex		
<b>Map Ref</b>	(E) 490555 (N) 106411		
<b>Applicant</b>	Mr Robert Collett	<b>Agent</b>	

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

1.1 Parish Objection – Officer recommends Permit.

## **2.0 The Site and Surroundings**

2.1 The application site is located within the Tangmere settlement boundary. The site forms part of an area of open space, within a residential development which gained planning permission in 2014. The surrounding character is residential with a mix of 2 and 2 ½ storey buildings. There is a mixture of semi-detached houses and blocks of flats, all of a similar design and scale.

## **3.0 The Proposal**

3.1 The application seeks planning permission for a detached two storey building with rooms in the roof, which would accommodate 6 flats. The building would have elevations comprising brick at the ground floor with hung tiles at first floor, and a tiled roof. The building would have an eaves height of 5.6 metres and ridge of 10 metres. The application proposes 12 car parking spaces to the front of the building, with a bin and cycle storage building to the south east.

3.2 The proposed building would match other buildings already permitted on the larger site in terms of height, style and in materials to those approved on the wider site. The frontage of the development would be eastern facing, looking out towards a new parking area to serve the apartments. To the rear, bedrooms and living rooms would look out towards the remaining open space. Amendments have been received during the course of the application to reflect comments from the Waste and Recycling Officer. The plans now show a footpath between the car parking and the bin storage area. Planning permission was granted for the same development under application 16/00444/FUL; however this permission has now lapsed.

## **4.0 History**

93/00369/FUL	REF	Residential development of 6 no. one-bedroom flats with associated parking.
93/01166/FUL	PER	Residential development of 4 number one bedroom flats and one no. one bedroom bungalow with associated parking and amenity area.
95/01015/FUL	PER	Erection of 2 bedroom bungalow in substitution for a 1 bedroom flat (bungalow) consented under planning application TG/93/01166/FUL.
96/00490/FUL	REF	Two 2 bedroom flats in substitution for two 1 bedroom flats consented under planning application TG/93/01166/FUL.

98/02085/FUL	PER	Erection of building comprising 2 no. two bedroom flats and 2 no. 1 bedroom flats.
16/00444/FUL	PER	Erection of six additional residential dwellings with associated parking, bin and cycle store, landscaping and open space.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	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

Tangmere Parish Council objects to this application on the grounds that it represents a loss of open space and a valuable amenity for the existing residents; the proposal is, by reason of the height and mass of the building, out of scale to the existing development and represents over development. The parish council objects to any infilling in the village because of the large housing numbers already allocated to the village. The number and layout of parking spaces gives rise to safety concerns because of the additional traffic and the fact that building itself obstructs the visibility from the two parking spaces at the bend. The Parish Council supports the requirement for a full ecological survey noting the bat population which has been observed at the location.

### 6.2 WSCC Highways

Summary: The Local Highways Authority (LHA) would not consider these additional 6 units to give rise to a significant volume of traffic movements to an extent that would have a severe impact on the local highway network. The LHA also consider that safe and suitable access can be achieved to serve the proposed development.

### 6.3 Coastal and Drainage Engineer

Flood risk- the application is within flood zone 1 (low risk), we therefore have no objection to the proposed development on flood risk grounds.

Surface Water Drainage- The proposals submitted detail that the wider surface water drainage system will be used to drain this site. We would request that infiltration test results for this location are provided to prove that the hierarchy for sustainable drainage is being followed.

#### 6.4 Southern Water

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water." Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a pumping station site.

#### 6.5 Archaeology Officer

Previous evaluation of this area has demonstrated that very little of interest is likely to have survived the effects of its use as an airfield. In the circumstances there is no archaeological objection and no mitigation measures are warranted.

#### 6.6 CDC Environmental Protection

##### *Land Contamination*

The land subject to this application has been remediated under the previous scheme 16/00444/FUL. A Statement should be submitted by the applicant to confirm that these proposals will not alter the integrity of the remediation put in place at this location.

##### *Air Quality*

Given the number of units proposed, the increase in vehicle movements is considered insignificant in terms of impacts on local air quality. Nevertheless in line with good practice, measures to mitigate the air quality of the development should be put in place and it is noted that cycle parking is to be provided at the development which is welcomed. Provision for charging electric vehicles should be put in place in line with the WSCC revised parking standards Appendix B for 12 parking spaces to be constructed in 2020 this equates to 3 spaces. A condition should be applied to request active electric vehicle parking and cabling for future provision at the site, in line with the WSCC guidelines.

##### *Noise*

As the development is located within a largely residential area it is considered unlikely to be affected by high levels of external noise. Nevertheless, a condition should be applied to ensure that the glazing specification is appropriate for the location (taking into account horticultural activities at Tangmere airfield) condition PC26 should be applied.

### *Construction*

A construction environmental management plan should be put in place to minimise impacts during construction works. Condition PC06 should be applied.

### *Lighting*

In order to ensure external lighting does not impact neighbouring residents or wildlife habitats, a condition should be applied to require a detailed lighting scheme to be submitted to and approved in writing by the LPA prior to commencement.

## 6.7 CDC Environmental Strategy

*Additional comments (13/11/2019)*

### Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that bat bricks are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.

### Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

We would like bird boxes to be installed on the buildings / and or trees onsite.

*Original comments (14/10/2019)*

### Biodiversity

The Ecological Survey Report (October 2015) which has been submitted with this application is unfortunately out of date. Following Natural England's guidance surveys are only valid for 2-3 years and once this period has passed new surveys are required because enough time has passed for the habitats and species to have dramatically changed within the site. We require that an updated phase one habitat survey is undertaken and any subsequent phase two surveys undertaken and the reports submitted as part of the application prior to determination.

## 6.5 CDC Waste and Recycling

### *Bin Provision*

The plans suggest 1 x 1100 litre waste bin and 1 x 1100 litre recycling bin. This maybe slightly under capacity. By my calculations, see below, the developer would need additional bins in the bin store. Options, to add an additional small wheeled bin alongside the suggested 1100 litre bins. Possibly a 240 litre bin for waste and the same for recycling.

### *Site Layout*

No issues with the road layout as we already service the site. However the location of the suggested bin store and its access route is of concern. Please see attached plan and annotations. The bin store itself is very close to the car park for the flats, which restricts the width of the path along the back of the bays from the bins store. To compound the issue the bin store doors open outwards, preventing operatives from pulling the bins around the doors. We would request the two parking bays south of the bin store are moved to enable the direct movement of bins from the bin store to the road side. Preventing contact with parked vehicles. A dropped kerb would also be required.

## Third Party Objection

45 letters of objection have been received on the following grounds:

- a) Loss of communal space
- b) Insufficient car parking
- c) Cause danger to the local highway network
- d) Overdevelopment of the site
- e) Wasn't informed when buy my property that the land would be built on
- f) Construction of the flats would impact on neighbouring amenity
- g) There is insufficient drainage capacity
- h) Scale and form of the development would harmful impact to neighbouring amenity
- i) Reduce visibility and could result in an increase in antisocial behaviour
- j) Affect the value of my property
- k) Residents around the green will have their view obstructed
- l) The proposal is of a poor design
- m) No need for further dwellings
- n) Issues with the existing development
- o) Loss of biodiversity

## **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. The Tangmere Neighbourhood Plan was made in July 2016.



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 3: The Economy and Employment Provision

Policy 4: Housing Provision

Policy 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 48: Natural Environment

Policy 49: Biodiversity

#### Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

#### Tangmere Neighbourhood Plan 2014 - 2029

Policy 10 Design

#### National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,  
For decision-taking this means:

a) approving development proposals that accord with an up-to-date development plan without delay; or

b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.4 Consideration should also be given to Sections 2 (Achieving Sustainable Development), Section 4 (Decision-Making), Section 5 (Delivering a Sufficient Supply of Homes, Section 9 (Promoting Sustainable Transport), Section 11 (Making Effective Use of Land), Section 12 (Achieving Well-Designed Places), Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change, Section 15 (Conserving and Enhancing the Natural Environment),
- 7.5 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:
- Maintain the low levels of crime in the district in the light of reducing resources
  - Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
  - Promote and increase sustainable, environmentally friendly initiatives in the district

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact upon open space
- iii) Impact on visual amenity and character of the area
- iv) Impact on neighbouring amenity
- v) Impact on highway safety
- vi) Drainage and flood risk

### Assessment

i) Principle of development

8.2 The application site is located within the built up area of Tangmere. Policy 2 of the Chichester Local Plan identifies Tangmere as a 'Settlement Hub' and supports new development to meet local needs that would reinforce the role of settlement hubs. The site is located within an existing residential area, which form part of the redevelopment of the site with the provision of 160 homes. Planning permission was granted for the same under application 16/00444/FUL. This permission has lapsed, however there has been no significant change to the requirements of planning policy since permission was last granted. It is therefore considered that the principle of new residential development is acceptable.

ii) Impact upon open space

8.3 The creation of 6 no. dwellings does not require the provision of further open space, however the proposal would be located on part of an area which was identified as open space in connection with the wider development of the 160 dwellings, and the proposal would result in the provision of a total of 166 dwellings. The open space for the original redevelopment of the site was provided in two main areas, the area that forms the current application and an area further to the east.

The Council's open space calculator identifies that a 166 dwelling scheme, would require a total provision of 2,265sq.m of open space. The area of land previously proposed as open space that forms the application site would be 1,450sq.m. If this application were to be permitted, the wider development site would provide a total of 3,564sq.m of open space. Therefore, while there would be a reduction in the amount of open space across the wider redevelopment of the site as a result of the proposed development, the provision would comply with the Council's requirements by providing a level of open space that would exceed the requirement.

8.4 This principle of a change in open space provision was previously considered and accepted by the Council as part of application 16/00444/FUL, which approved fundamentally the same development as now proposed.

iii) Impact on visual amenity and character of the area

8.5 Policy 33 of the Chichester Local Plan seeks to ensure that new residential development is in keeping with the visual amenities and character of the area and meet the highest standards of design.

8.6 The outline permission for the wider site restricted dwellings to a maximum 2.5 storeys to ensure the development would be in keeping with the character and appearance of the surrounding settlement. The reserved matters application was submitted in accordance with this restriction and granted permission for a predominantly 2 storey development, with some 2.5 storey dwellings which were primarily blocks of flats or townhouses. The approved 2.5 storey flats are at a maximum 10 metres to ridge height.

8.7 The proposal would be of a design and scale similar to the surrounding development as permitted under the 2014 outline application. In addition the scale of the proposed building would accord with the outline permission for the wider redevelopment of the area. While there would be a reduction in the open space provided, the remaining open space accords with the council's requirements. There would be some impact on the remaining open space by the introduction of built form to this area. However this could be mitigated by appropriate landscaping. Furthermore, in 2016 permission was granted for a building to provide 6 no. flats, of the same design and location. While this permission has now expired, there have been no changes to national or local policy that would change the acceptability of the design as previously considered.

iv) Impact on neighbouring amenity

8.8 Policy 33 of the Chichester Local Plan requires new development to protect the amenities of neighbouring properties and para 127 of the NPPF seeks to ensure that design provides a good standard of amenity.

8.9 The application site is surrounded by dwellings on three sides, with open space to the west. The properties to the north are approximately 17 metres from the side of the proposed building, with a road in-between. The dwellings to the south are approximately 16 metres from the side of the proposed building, with a road in-between. The dwellings to the east are over 30 metres from the proposed building, with parking and an access road between. Given the distance to neighbouring properties and the intervening public realm, it is not considered the proposal would have a harmful impact to neighbouring amenity. The proposal therefore accords with policy 33 of the Chichester Local Plan.

8.10 The councils Environmental Health officer has commented on the application and recommends a construction environmental management plan should be submitted in order to minimise impacts during construction works. The officer made further comments requiring a condition to ensure that the glazing specification is appropriate for the location, taking into account horticultural activities at Tangmere airfield.

v) Impact upon highway safety

8.11 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.

8.12 The highways authority at WSCC has raised no objections to the development, stating that 6 additional dwellings would not give rise to any significant volume of traffic movements to an extent that would have a severe impact on the local highway network. It is also considered that safe and suitable access can be achieved to serve the proposed development, and conditions relating to access, visibility and car parking are recommended in accordance with the comments received from the highways authority. Subject to the recommended conditions it is considered the proposal would not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access. Amendments have been received during the course of the application to reflect comments from the Waste and Recycling Officer. The plans now show a footpath between the car parking and the bin storage area. The application therefore accords with policy 39 of the Chichester Local Plan.

vi) Drainage and flood risk

8.13 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The Coastal and Drainage Engineer has considered the application and had no objections subject to a condition requiring a surface water drainage scheme to be submitted. Subject to this condition it is considered the proposal would not result in a net increase of surface water runoff. The application therefore accords with policy 42 of the Chichester Local Plan.

vii) Biodiversity and Sustainability

8.14 Following the original comments from the Environmental Strategy officer an updated Ecological Walkover report was provided. The Environmental Strategy officer has considered this report and subject to conditions relating to a lighting scheme, when site clearance will be undertaken and details of bat bricks, the officer has no objections to the proposal. It is therefore considered that the proposal would accord with the national and local planning policies in this respect.

8.15 Planning permission was granted for the same development under application 16/00444/FUL, this permission has lapsed. However, since the approval of this permission the Council has declared climate emergency and this is a material consideration. Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. It is recommended to attach a condition requiring a strategy outlining details of the sustainable design and construction to be submitted to ensure that the requirements of policy 40 are met.

## Conclusion

8.16 Based on the above it is considered the proposal complies with the relevant local and national development plan policies and guidance and, accordingly, the application is recommended for approval, subset to conditions.

## 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** 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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

- 3) All planting, seeding or turfing hereby approved shall be carried out in accordance with the submitted Landscape Proposals and the Soft Landscape Specification. A phasing plan, including a timetable for implementation and a programme of maintenance of the open space area, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 4) The development hereby permitted shall be constructed using external materials to match those on the wider development site in colour, texture, form and composition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

- 5) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Planning Layout and numbered 83-1951-101

Reason: In the interests of road safety.

- 6) No part of the development shall be first occupied until visibility splays of 2.4 metres by 12 metres have been provided at the proposed site vehicular access onto the spine road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 7) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

- 8) 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 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.

- 9) 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 the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, 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 the proposal is satisfactorily drained.

10) **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.

11) **No development shall commence** on the site until a scheme for the protection of the occupants of the proposed dwellings; from noise from Tangmere airfield; has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the scheme as approved and retained thereafter.

Reason: In order to maintain reasonable living conditions for the future occupants of the proposed dwellings. 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

- 12) Prior to the occupation of the development a scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details.

Reason: This is required pre-commencement to protect the appearance of the area, the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

- 13) No works to trees or vegetation clearance shall take place on site during the bird breeding season, between 1st March and 1st October. If works are required during this period this should only take place following a check by a qualified ecologist (within 24 hours of any work) to confirm that no breeding birds are present.

Reason: To protect the nature conservation interests of the area.

- 14) No development above slab level shall take place until a scheme to provide a minimum of two bat bricks to be installed within the south or south-westerly facing elevations of the apartment building has been submitted to and approved in writing by the Local Planning Authority. The bat bricks shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the nature conservation interests of the area.

- 15) 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.



## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Churchwood Drive Visibility (A3)	14-009-021		01.10.2019	Approved
PLAN - Churchwood Drive - Refuse Vehicle and Fire Tender Swept Path (A3)	14-009-019		01.10.2019	Approved
PLAN - Churchwood Drive - Large Car Swept Path (A3)	14-009-020		01.10.2019	Approved
PLAN - Site Location Plan (A1)	83-1951-102		01.10.2019	Approved
PLAN - Planning Layout (A2)	83-1951-101	D	01.10.2019	Approved
PLAN - Proposed Cycle and Bin Store Floor Plans and Elevations (A3)	83-1951-BIN-CYC-101		01.10.2019	Approved
PLAN - Proposed Flats Elevations (A3)	83-1951-FLATS-101		01.10.2019	Approved
PLAN - Proposed Flat Ground and First Floor Plans (A3)	83-1951-FLATS-102		01.10.2019	Approved
PLAN - Proposed Flat Second Floor Plans (A3)	83-1951-FLATS-103		01.10.2019	Approved
PLAN - Landscape Proposals (A1)	MILL 20221 11		01.10.2019	Approved
PLAN - Drainage Strategy Plan (A1)	14-009/18	A	01.10.2019	Approved

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXRXR9ERHU600>

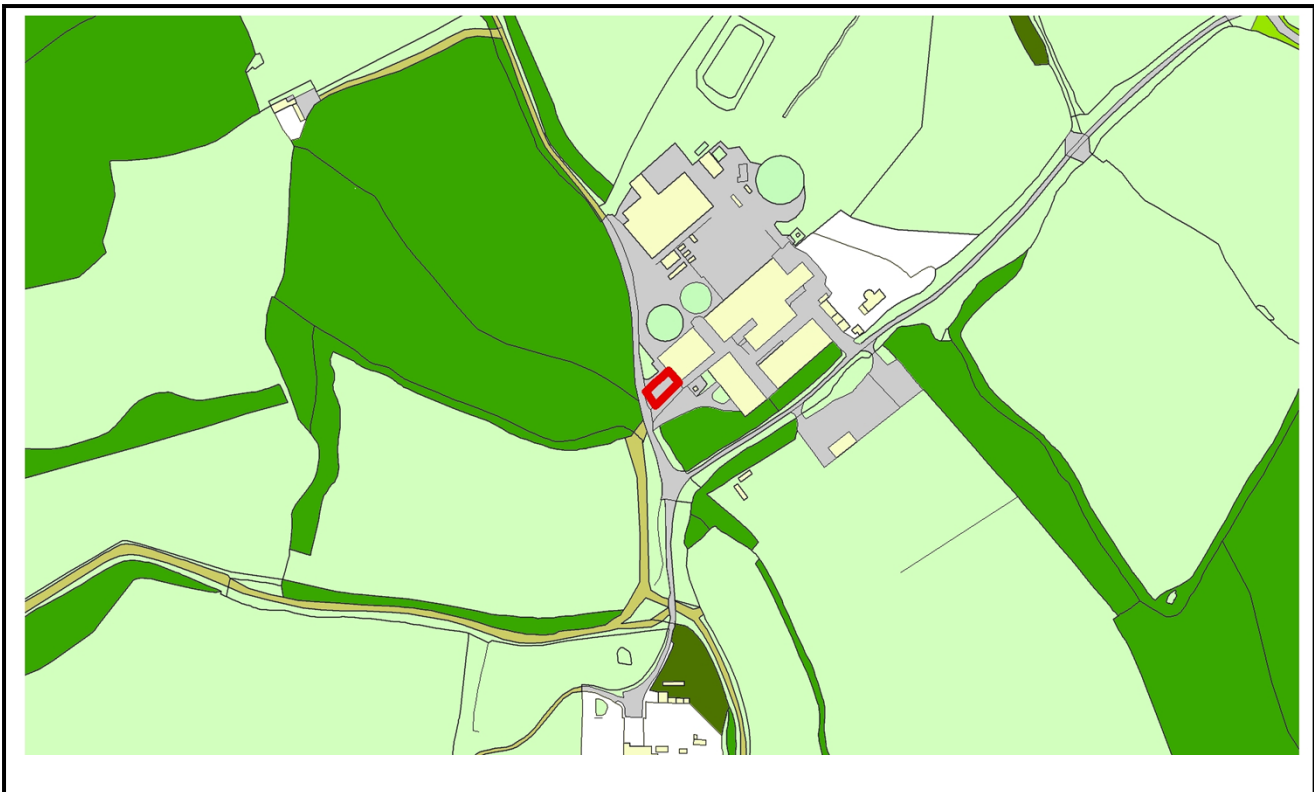
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Parish: Plaistow And Ifold	Ward: Loxwood
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**PS/19/00682/FUL**

<b>Proposal</b>	Installation of 3 no. portacabin buildings consisting of 1 no. two storey office, 1 no. single storey toilet block and 1 no. single storey welfare unit for a temporary 2 year period.		
<b>Site</b>	Crouchlands Farm Rickmans Lane Plaistow RH14 0LE		
<b>Map Ref</b>	(E) 501246 (N) 129673		
<b>Applicant</b>	Mr Chris Bamforth	<b>Agent</b>	Miss Lydia Parsons

**RECOMMENDATION TO PERMIT**



	<p><b>NOT TO SCALE</b></p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site is located within the Parish of Plaistow, 1.2km to the south east of the village of Plaistow. The site comprises a parcel of land approximately 175m<sup>2</sup> within the main farm complex of Crouchlands Farm.

2.2 Crouchlands Farm is a former dairy farm which was subject to enforcement action in 2015 for the material change of use of the land to mixed agriculture and for the purposes of a commercial biogas plant. The production and harvesting of biogas has ceased and the farm is now in different ownership, with the majority of farm buildings currently vacant. The land remains the subject of a number of enforcement notices that require the removal of plant associated with the biogas production and the remediation of the land to its former condition. This work is on-going, undertaken by the current owners, although this does not include Lagoon 3, which is in the control of the original (2015) owner of the farm

2.3 Vehicular access to the site is via the main farm access off Rickmans Lane. A Public Right of Way route 633 runs north to south through the farm complex and directly to the west of the site.

2.4 To the north and east of the site are agricultural buildings, mainly comprising larger cattle sheds. To the west is an area of woodland and to the south is agricultural land.

## **3.0 The Proposal**

3.1 The application proposal seeks retrospective consent for the stationing of three portacabins for a temporary period of 2 years in association with the farm operations and remediation of the land required by the Council's Enforcement Notices.

3.2 A double height portacabin is to be retained to the south of the parcel of land and would be used for offices in association with the agricultural farm. A further single storey portacabin is located along the northern boundary which provides toilets and washroom facilities. To the north western edge of the site a further portacabin is proposed, providing kitchen/staff rest room facilities.

## **4.0 History**

07/01723/PNO	PPREQ	Landscaping and earth bund.
07/01846/FUL	APPRET	Loose housing for dairy cows.
07/01847/FUL	APPRET	Siting of mobile homes.

07/03771/FUL	PER	Retention of loose housing for dairy cows in form of 1 no. cattle shed.
07/03860/FUL	PER	Retention of 2 no. mobile homes as temporary accomodation for agricultural workers.
07/04916/FUL	PER	New silo for additional slurry storage to comply with amended NV2 regulations.
07/04917/FUL	PER	Replacement silo for additional slurry storage to comply with amended NV2 regulations.
08/02511/FUL	PER	Siting of 3 no. portable containers associated with the harvesting of methane from silos granted permission as PS/07 04917/FUL and PS/04916/FUL. One houses control room, one houses gas washing plant, one houses engine.
11/02514/FUL	PER	Siting of 4 metal containers to aid gas conditioning for biogas plant.
11/04982/FUL	PER	Replacement of existing slurry/dirty water lagoon with underground concrete store.
13/03613/FUL	REF	Erection of 2 no. rural workers dwellings on land with the curtilage of Crouchland Farm being replacements of 2 no. existing mobile homes located on the same land.
14/01925/FUL	PER	Retention of 1 no. existing mobile home located on the farm to accommodate an agricultural worker.
14/02349/CMA	REF	WSCC Ref: WSCC/042/14/PS Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE Proposed upgrade of existing anaerobic digester facility to enable the export of biomethane to the national gas grid, installation of a new digestion tank, two new CHP engines, digestate lagoon and associated infrastructure.
14/03513/FUL	REF	Erection of wood store and general garden storage on land adjacent Hardnips barn.

15/01296/PA14J	YESPAP	150kW roof-mounted solar PV installation on the roofs of two existing cattle sheds.
15/01620/CMA	OBJ	WSCC Ref: WSCC/036/15/PS Location: Crouchland Farm, Rickman's Lane, Kirdford, RH14 0LE Proposal: Certificate of lawfulness for the proposed use as an Anaerobic Digestion facility with unrestricted throughput of imported waste or other material and the export of gas and digestate.
15/03095/FUL	REF	Retention of wood store and general garden store on land adjacent to Hardnip's Barn.
15/04257/PA14J	YESPAP	Cumulative capacity of 650kW roof-mounted solar PV installation on the roofs of five cattle sheds.
16/01784/FUL	REF	Retention of 1 no. existing mobile home located on the farm to accommodate agricultural worker.
16/02841/FUL	WDN	Proposed demolition of existing farm building and construction of a dairy unit with associated infrastructure, access and replacement of workers accommodation.
16/03793/PNO	NOPA	Proposed livestock shelter.
17/01934/PNO	NOPA	Agricultural feed silo (plus associated concrete base measuring 0.35m in height, 3.5m in width and 3.5m in length).

#### Enforcement Notices

PS65	Without planning permission, the erection of a steel framed lean-to building.
PS66	Without planning permission, the erection of a separator tower building.
PS67	Without planning permission, the construction of a slurry lagoon, earth bund and fencing.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

Plaistow and Ifold Parish Council objects to this application and makes the following comment.

The installation of temporary portacabins impacts on the visual amenity of the area. The site benefits from empty buildings, which it is submitted could be used to provide office and other associated facilities on a temporary basis.

If this retrospective planning application is permitted, the Parish Council asks that the two-year period runs from the installation of the portacabins and not from the date planning permission is granted.

Plaistow and Ifold Parish Council are disappointed that this is a retrospective planning application considering the history of the site; and the recent assurances given to the community by Artemis Land and Agriculture Ltd that all future development would be conducted correctly with full transparency. The manner of this application sets a concerning precedent for the future development plans of the site.

### 6.2 WSCC Public Rights of Way

A temporary closure is currently in place on adjacent Public Rights of Way (PRoW) so this proposal should not impact on users.

No structures should be placed on the line of the PRoW and if the surface is to be disturbed for any installation or utility purposes WSCC PRoW Dept. should be notified.

### 6.3 WSCC Highways

#### Summary

This proposal is for installation of 3 temporary portacabin buildings. This application is retrospective, with the works having completed on 04/02/2019. The site is located at Rickmans Lane, a C-class road subject to national speed limit.

## Public Rights of Way

The lanes serving this site are maintained as Public Right of Way (PROW), as Bridleway 643 and Restricted Byway 633. WSCC have provided a separate response regarding PROW, therefore I refer you to their consultation for PROW matters.

### Access and visibility

Access to the site will be via the junction with Rickmans Lane. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveal no reported injury accidents within the vicinity of the site resulting from road layout. Given that this access has served the site for several years without incident, there is no evidence to suggest that the access is operating unsafely.

The proposed portacabins are replacements, allowing the continuation of operations. The application form also indicates an increase of 84sqm in floor space and an increase from 4 to 6 staff. The Design & Access Statement indicates that a two storey building previously existed here.

With this in mind and given that the proposals are for a temporary permission of 2 years, the LHA does not consider this an intensification of use.

### Parking and turning

No parking is proposed in the plans. However, there is ample parking on-site for use. There is also sufficient room for turning on-site to be achievable.

### Conclusion

The LHA does not consider that the proposal would have 'severe' impact 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.

## 6.4 Third Party Objections

5 third party letters of objection have been received, and these concern the following:

- a) Impact upon visual amenity and character of the area
- b) No developments should take place until the requirements of the enforcement notice have been complied with
- c) Insufficient justification

## 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 Plaistow 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 3: The Economy and Employment Provision
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 45: Development in the Countryside
- Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
- 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 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:

a) approving development proposals that accord with an up-to-date development plan without delay; or

b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to Sections 2 (Achieving Sustainable Development), Section 4 (Decision-Making), Section 5 (Delivering a Sufficient Supply of Homes), Section 6 (Building a Strong, Competitive Economy), Section 9 (Promoting Sustainable Transport), Section 11 (Making Effective Use of Land), Section 12 (Achieving Well-Designed Places), Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Section 15 (Conserving and Enhancing the Natural Environment),

7.5 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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities

## 8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact on visual amenity and character of the area
- iii) Other Matters

### Assessment

i) Principle of development

8.2 Crouchlands Farm is now operating under new ownership and the applicants Artemis Land Agriculture Ltd intend to recommence farming operations on the site, which includes the decommissioning and removal of the redundant anaerobic digester (AD) plant which was utilised to create the biogas.

8.3 Three portacabins have been installed on site and replace double height cabins which are subject to enforcement action as part of the unauthorised development which formed part of the biogas plant. The cabins now on site comprise of a double stacked unit, with internal provision for 4 offices and 2 central meeting spaces and an external staircase. There is additionally a separate WC/shower block and a separate staff restroom with kitchen.

8.4 Policy 45 of the CLP seeks to ensure that new development within the countryside outside settlement boundaries is only permitted where it is required to be in that location and meets an essential small scale and local need. The proposed use of the cabins (which is already taking place), is to provide the office facilities to enable staff to continue the management of the clean-up and restoration of the site following the decommissioning of the biogas plant; undertake farming operations and the development of the future farming and rural orientated commercial operations.

8.5 There are currently 5 full time staff members; 2 senior management, a project manager and 2 other staff members. It is also advised there are a number of contractors working on the site. All the employers are legally required to have access to welfare facilities (WC/kitchen) and the offices provide a base for the management of the site and the work to be carried out.

8.6 The cabins are required because there are no other suitable buildings which can be used as farm offices; rest room and provide WC/washroom facilities within the farm complex. The only possible building would be Hardnips Barn to the north west of the application site, however this building has consent to be used as a dwelling and any use as offices would have to subject to planning permission for a change of use, and is not a feasible option for the applicants given the authorised residential use.

- 8.7 A two year temporary consent is sought to allow time for a site wide masterplan to be developed and for the subsequent submission of any necessary planning applications. Following this, a longer term plan for the agricultural enterprise will have been established and the temporary office space would no longer be required. It is considered that given the poor condition of the existing buildings on the site, the need to carry out remediation work before permanent farm offices and to provide welfare facilities for the duration of the works, that a temporary permission would be reasonable in this instance.
- 8.8 Overall it is concluded the principle of the temporary siting of portacabins for the reasons set out above is acceptable, subject to the material considerations as below.
- ii) Impact upon Visual Amenity and Character of the Area
- 8.9 Policies 45 and 48 of the CLP seek to ensure that proposals requiring a countryside location would not result in harm to the landscape and rural character of the area. The area is characterised by attractive countryside, with open fields bounded by ancient woodland and hedgerows. To the west of the application site is ancient woodland, but to the east is the main farm complex, which comprises a mix of large agricultural buildings. As a result, whilst the area surrounding the application site has a rural feel, there is also built development present which forms part of the character of the area.
- 8.10 As noted in paragraph 2.2 the site has been subject to enforcement action in 2015. The appeal Inspector in paragraph 84 of that appeal decision APP/L3815/C/15/3133236 made reference to the double storey cabins formally located within the application site. The inspector noted that the *'combination of the gas tanks, the towers and other unauthorised operational development such as the office portacabins, flare and separator, when combined with the equipment already authorised, has turned the appearance of the complex of farm buildings from something that is to expected from agricultural operations in the countryside into a large scale industrial plant'*.
- 8.11 The key observation of this Inspector was that all the development cumulatively resulted in harm. The majority of the unauthorised development has been removed to date and the farm appears once more as an agricultural farm, rather than the character of industrial plant the Inspector made reference to. The portacabins are visually apparent from the public right of way, which results in a degree of adverse impact on the visual amenity and character of the area by reason of their design and form appearing more commercial and not being reflective of the surrounding agricultural buildings and rural character of the area. However, this impact must be weighed against the demonstrated need and the temporary nature of the cabins.
- 8.12 The temporary stationing of the cabins would allow the applicants to provide facilities for the employees who are involved in the management and remediation of the land. In the long term any office accommodation required by the on-going farming enterprise would be incorporated into the overall development plan of the site and future planning applications which are expected within the next 2 years.

8.13 Therefore whilst the proposal would result in harm to the character of the area, when balanced with the demonstrated need, the fact there are no other buildings suitable for the uses or other more appropriate sites for the relocation of the portacabins, it is concluded stationing of the portacabins would be acceptable for a temporary period.

iii) Other Matters

8.14 The proposal would not result in any highway or public right of way safety matters. There would also not be any impacts on neighbouring amenities.

8.15 Some third parties have raised concern the cabins have been erected without consent particularly given the enforcement notices that exist on site. It is regrettable these cabins have been erected on site without planning permission; however the Town and Country Planning Act 1990, as amended, allows for applications to made retrospectively and therefore this concern is not a material consideration.

8.16 The Parish Council have commented that any 2-year temporary permission should run from the installation of the portacabins, and not from the date planning permission is granted. Given that there is a degree of harm identified as a result of these structures it would not be unreasonable to shorten any temporary consent to coincide with the compliance date of the extant enforcement notices, at the end of May 2021.

Conclusion

8.16 Based on the above assessment it is considered that whilst the proposed portacabins by reason of their design and form would impact on the character of the area, this would be outweighed by; the demonstrated need by the applicants in managing the remediation of the farm and bringing it back into agricultural use; the lack of other suitable locations within the sites; and the consent being sought is on a temporary period only. Therefore the proposal would be acceptable on a temporary basis and as a result 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** subject to the following conditions and informatives:-

1) The portacabins hereby permitted shall be stationed on the land for a limited period ending on 31 May 2021, or until the use of the portacabins ceases, whichever is the sooner.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) The portacabins hereby permitted shall only be used for purposes in relation with the agricultural operations of Crouchlands Farm, Rickmans Lane, Plaistow RH14 0LE, and the requirements of any enforcement notices relating to the site.

Reason: To accord with demonstrated need and the special circumstances of the application

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed single storey portakabin floor plan and elevations (A3)	DQ2689		16.04.2019	Approved
PLAN - Proposed portaloo floor plan and elevations (A3)	PL161	D	16.04.2019	Approved
PLAN - Site Location and Block Plan (A1)	TSLP4200561 12		16.04.2019	Approved
PLAN - Proposed SL102 two storey portakabin floor plan(s) and elevations (A3)	DQ2704	D	16.04.2019	Approved

## 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.

For further information on this application please contact Fjola Stevens on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PNWLHQERIB100>

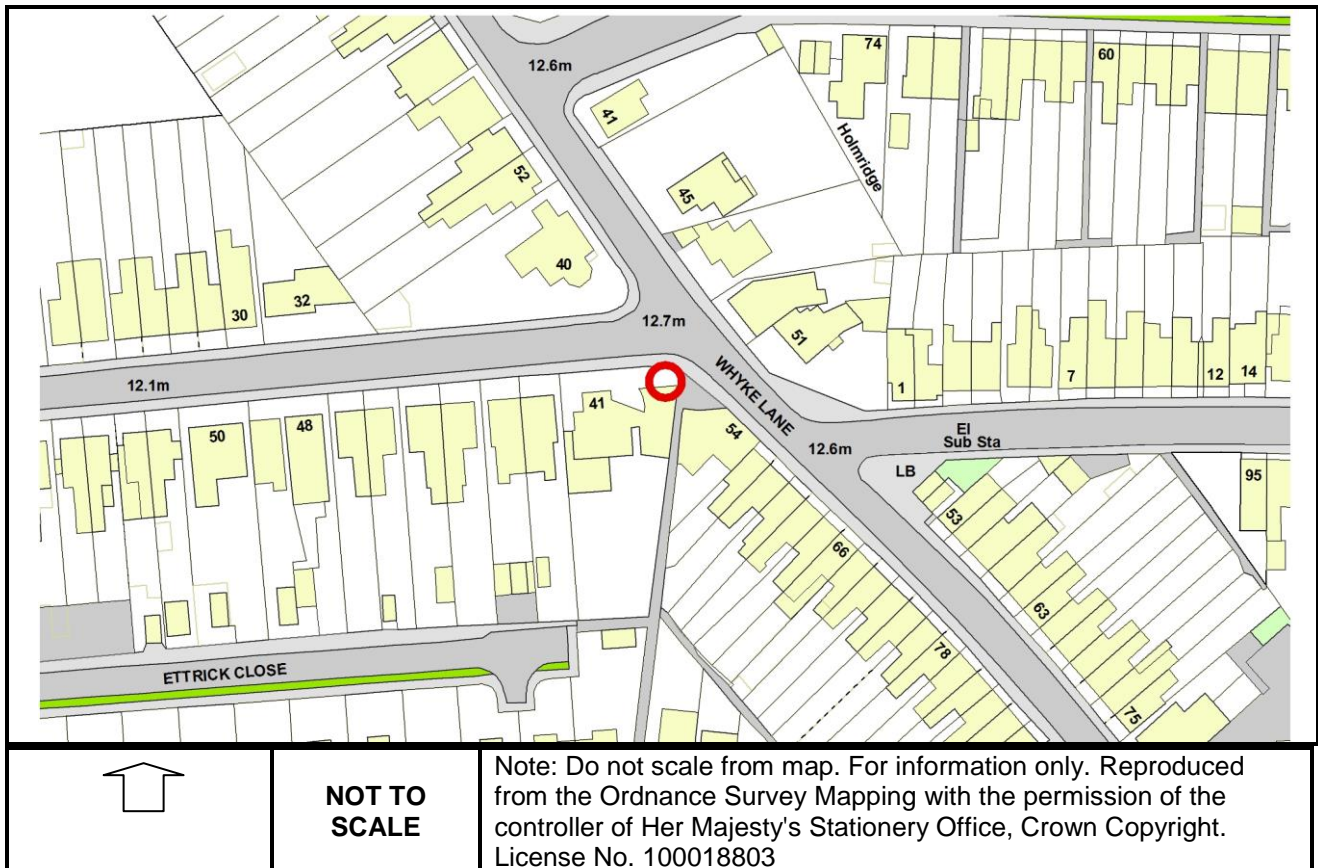
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Parish: Chichester	Ward: Chichester South
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**CC/19/02109/TPA**

<b>Proposal</b>	Fell 1 no. Holm Oak tree (T3) subject to CC/93/00284/TPO.		
<b>Site</b>	41 Lyndhurst Road Chichester West Sussex PO19 7PE		
<b>Map Ref</b>	(E) 486702 (N) 104417		
<b>Applicant</b>	Mr And Mrs Henn	<b>Agent</b>	

**RECOMMENDATION TO PERMIT**



## **1.0 Reason for Committee Referral**

- 1.1 B - Red Card issued by Cllr. Sarah Sharp because there is an exceptional level of public interest

## **2.0 The Site and Surroundings**

- 2.1 The 1 no. Holm Oak tree (T3) is situated on the frontage, in slightly raised ground, within the north-east corner of 41 Lyndhurst Road, Chichester. The property is a detached house, with outbuildings to the rear and a connecting extension/garage to the east of the main building. The tree the subject of the application is a mature Holm Oak tree which is prominent in the street scene, located approximately 3m from the garage. It is protected by virtue of a Tree Preservation Order (TPO) which was made in 1993.
- 2.2 There are public footpaths to east, north and south of the property and the property itself is located in the southern part of the city and within Chichester Conservation Area. The site lies in a predominantly residential area, albeit beyond the public footpath to the east there is a local convenience store.

## **3.0 The Proposal**

- 3.1 The proposal is to fell 1 no. Holm Oak tree (T3) subject to CC/93/00284/TPO.
- 3.2 The proposed felling has been requested due to the amount of damage being caused by the tree's rooting system (on the northern and eastern sectors) which has caused cracking/lifting of the adjacent footpaths and at the boundary, which consists of brick pillars and a small brick wall with railings (on top) which show evidence of cracking and distortion. The proposed removal of the tree and the removal of large roots (within 300-400mm of the surface) are proposed to alleviate damage to adjacent public footpaths and open space to the north of an adjacent local shop, which lies to the east of the property.

## **4.0 History**

02/02661/TPO	PER	Raising of crown and general crown reduction by 20-30% of 1 no. Holm Oak tree (T3).
93/01945/TCA	YESTPO	Lopping and topping of six various trees.
93/02240/TPO	PER	Removal of any crossed and damaged branches and general shaping works to I-Maindenhair tree, I-Plane tree and I-Holm Oak tree.
99/01942/DOM	PER	Reinstatement of s.w. conservatory to original design. Refurbishment of greenhouse. Removal of single storey utility room and construction of new to side.



99/01946/CAC	PER	Removal of single storey utility room.
10/04660/TPA	PER	Crown raise up to 4m (above ground level) and crown reduce by 30% on 1 no. Holm Oak tree (T3), crown reduce by 10 - 20% on 1 no. Maidenhair tree (T1) and 1 no. London Plane tree (T2). All three trees are subject to CC/93/00284/TPO.
10/04664/TCA	NOTPO	Notification of intention to fell 1 no. Magnolia tree.
16/02982/TPA	PER	Crown reduce by up to 30% and crown raise by up to 4m above ground level on 1 no. Holm Oak tree (T3) subject to CC/93/00284/TPO.
19/02108/TPA	PER	Crown reduce by up to 20%, crown lift by up to 4-5m (above ground level) (removing small diameter epicormic growth/branches) and crown thin by 10% (to remove crossed and damaged branches) on 1 no. Maidenhair tree (T1) and 1 no. London Plane tree (T2). Both trees subject to CC/93/00284/TPO.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	CC
Rural Area	NO
AONB	NO
Tree Preservation Order	YES
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES
Historic Parks and Gardens	NO

## 6.0 **Representations and Consultations**

### 6.1 Chichester City Council

None received.

### 6.2 CCAAC

The CCAAC objects - This Holm Oak is a significant local feature at the centre of the Whyke area of Chichester Conservation Area. The felling would seriously affect the quality of the local environment. The tree should be retained and an application for further pollarding be submitted.

### 6.3 Third party letters of objection

10 letters of objection have been received for the following reasons;

- a) The tree is an important and prominent visual feature contributing to the character of this part of the Conservation Area
- b) The tree should be pollarded, as on previous occasions.
- c) At a time when climate emergency has been declared by the District and City Councils, the loss of any tree should be avoided unless it is a danger to property or people.
- d) This fine Holm Oak is a landmark specimen and a major feature of Whyke. It appears to be in good health. It does not appear to be in any danger to property, except for its gradual destruction of the boundary wall.
- e) A tree of this stature and importance deserves our protection
- f) The tree is allegedly lifting of the tarmac in the public footpath area and collapsing of the boundary wall. Some accommodation on the paving could be made to allow infill of the pavement surface between the roots but neither presents a real danger to the public.
- g) If the tree was felled around climate change (CDC declaring a climate emergency should save mature trees must be considered), provides carbon capture and biodiversity loss. Trees provide oxygen
- h) The tree is not diseased and is an attractive feature and ancient, creates a sound buffer from the railway line, benefits human health, it is not creating a hazard or a danger, expensive nuisance to the owner and regular tree works would reduce the tree's impact.
- i) The tree provides life support for a myriad of threatened wildlife (starling roost)
- j) The removal of the tree would alter the character catastrophically and enhances the visual appeal to the neighbourhood immensely
- k) Before any decision to fell the tree is taken, an environmental assessment of its value to local wildlife should be undertaken

### 6.4 Third party letters of support

A total of 19 representations of support have been received and which include the following comments:

- a) The tree is causing a risk/hazard to general public (of all status) and structures
- b) Visible damage to pavement (roots lifting tarmac/trip hazard - are invasive and progressive) and the property boundary (cracking/distorted and has collapsed - currently being propped up with metal fencing).
- c) The tree could also be affecting public and private underground services.
- b) The tree makes an aesthetic and environmental benefit to this part of Chichester Conservation Area but has outgrown its location beyond the point of being able to be sustained and maintained and more suited to open parkland
- c) Holm Oak tree species not suited to the urban landscape (wrong tree wrong place) - makes area under the tree dark and slippery due to leaf fall which has blocked the drains and the area has flooded in the past

- d) The applicant has spent considerable sums and time over the past years attempting to contain this tree.
- e) West Sussex County Council cannot afford to repeatedly maintain the well-used pathway to safe standards as protected roots continue to damage it.
- f) No practical solution to give the space the tree needs and work around it
- g) The health and safety of the local residents and pedestrians must take priority - works on the tree would be of little benefit
- h) Plant a suitable replacement tree

#### 6.5 Applicant's supporting information

The applicant has provided the additional information, including advice from a structural engineer and correspondence from West Sussex County Council.

##### a) *General comment*

The proposed felling of the Holm Oak tree is a remedy to alleviate the impact on the public footpath surface (potential/actual trip hazard) and the damage caused to the boundary brick pillar, brick wall and railing, so as to help ensure the long-term stability these two areas.

##### b) *Assessment from the applicants' Structural Engineer;*

With immediate effect, the unstable corner pier must be restrained from falling and the quickest way to achieve that will be by lots of rope secured around the tree. Furthermore, plastic work barriers should be tied back in two directions, to bolster the masonry and the railings. The temporary barriers should continue for the full length of the affected panels. Highway's advice will be needed first because of the narrowing of the footpath width.

The tree should then be totally removed. Any attempts to reduce its height or bulk will only stimulate root growth and make the situation worse. However, it is always recommended to take down the tree in progressive stages to help reduce the effects of ground swelling.

Only when all major roots have been removed, will it be possible to consider specialist foundations to enable the rebuilding of the wall and railings. The cost of these works is likely to be high.

From the latest inspection, the amount of damage caused by the tree's root system is serious. It is, therefore, with reluctance to have to report that the holm oak cannot be left to continue damage to its surroundings and therefore must be removed. Upon felling, its larger roots within 300-400mm of the surface should be removed where possible.

I advise that a TPO should not be allowed to remain in force, over the safety of the applicants' and members of the public.

This work needs to be undertaken in conjunction with County's Highways and Transport Department and the County Council will be able to advise further on this process.

- c) *Extract of correspondence from West Sussex County Council's Highway Section to applicant providing an assessment prior to submission of formal application.*

Our concerns cover two main areas -

- 1) Firstly the safety of the existing boundary wall;

With regards to the boundary wall, this has suffered significant damage due to its proximity to the tree trunk and the shallow roots. This has resulted in the wall being broken into sections and to lean towards the adjacent public footpath. This footpath is on a route taken by many local children, going to and from the nearby school on a daily basis. There is a clear risk that at some point a section of this wall may break away altogether and fall on the public highway and that this could result in injury to a member of the public. Whilst taking down this wall would remove this risk, the property would then not be secure and there is no way that any form of boundary wall or fence could be constructed without encroaching on the public highway, which is not acceptable, as long as the existing tree remains in place.

- 2) Secondly the damage to the footpath caused by the tree roots;

With regard to the public footway, adjacent to the property. This has clearly been significantly affected by the tree roots from the private tree. This has resulted in the back of the footway being pushed by and additionally there are now a number of raised areas in the footway, which are causing a potential trip hazard. The intervention level for a footway hazards, is a 20mm difference in level and this already exists in a number of places. We could look to remove the existing footway surface and lay a new one over the roots, in order to remove the trip hazards. However this would only provide a short term solution and given the extremely limits budgets currently available, we cannot justify a situation, where we would be committed to undertaking repeated repairs, on a periodic basis, in order to keep the footway safe.

Given all of the above we believe that the only acceptable long term solution is for this tree to be completely removed and we would support any formal application to the local authority to do so.

This conclusion is not one that we have made lightly, as no one (especially the County Council) wants to see a large tree like this being remove. However, this particular tree is clearly in the wrong place, given its current size and location, we have to consider the safety of the general public when they are using the public highway, including the footway. It must also be a concern to the property owner, regarding possible damage to the property.

## **7.0 Planning Policy**

- 7.1 As applications for works to trees covered by a TPO are not applications for development, their determination does not have regard to development plan policies. There is no specific policy in the currently approved Local Plan in relation to tree matters such as this.

7.2 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:

- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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 the impact of the loss of the tree on the visual amenities of the locality and the risks associated with its retention.

### Assessment

8.2 The Holm Oak tree the subject of this application is one of three trees subject to a Tree Preservation Order (TPO) CC/93/00284/TPO. The other two trees are a Maidenhair tree (T1) and a London Plane tree (T2) which are located in the rear garden. The TPO was made on 13 December 1993.

8.3 The tree is a mature specimen and its trunk is around 3.0 metres from north-east corner of the garage and adjacent to the surrounding boundary. This is formed from brick pillars and a brick wall (with railings on top) and which is adjacent to the north and east of the tree's trunk. The tree is in an adequately sound and healthy condition and is understood to have been pruned three times in the past 20 years. The tree is clearly visible from various public vantage points and it is a prominent and significant feature within the street scene. It consequently makes an important environmental contribution to the visual amenity of the locality.

8.4 The Holm Oak tree, which is subject of this application, is one of the larger trees along this road and area and it appears to be in good health. The removal of this tree would have an adverse impact upon the verdant qualities of the area and would result in some change to the established attractive character of the area. There is another large mature Holm Oak tree to the north, within an adjacent property (40 Lyndhurst Road), and these are the two significant trees within the street.

8.5 Because of the positive contribution that this tree makes to the character of the area, its removal should only be considered if there are robust and sound reasons for doing so.

8.6 The applicant has commissioned an engineer's report to identify the impact that the tree is having on the adjacent public footpaths and on the boundary structures (walls) at the property, this has been prepared to support this application. It can be ascertained from the applicant's submitted report that the causal link is the incremental development of the tree's rooting system and stem growth, which is causing the lifting/cracking of the footpath and is also damaging the boundary wall. Photographic evidence has also been submitted to support this conclusion.

- 8.7 The Holm Oak tree is of a significant size and the damage to the wall and footpath (lifting/cracking) has not been fully quantified by the applicant, (potentially through trial holes being dug). However, it is clearly apparent that the tree's location and size and its proximity to the public footpaths and boundary structure is the likely cause. An alternative to felling might be undertaking some root pruning works, but there is also a concern that this could destabilise the tree and this might only be a short term solution.
- 8.8 The Council must deal with this application to fell the Holm Oak tree on its own merits, having regard to the information submitted with the application, all of the submitted representations and the third party comments and having regard to the high amenity value of the tree and its contribution within the locality. In this case, there is clearly evidence of tree damage to both the adjacent footpaths and the boundary wall and there are also concerns about further damage and public safety.
- 8.10 West Sussex County Council as the highway authority, have raised concern with regard to the tree's on going retention. Member's attention is also drawn to the advice of the applicant's structural engineer, who has undertaken a detailed structural survey. This advice is very clear and includes some very specific recommendations and early actions that are required in order to help ensure public safety. The advice is a relevant material consideration, particularly as there is no contrary evidence and as similar concerns can be found in other representations. The welfare and safety of the public at large is an important consideration and while the loss of the tree is highly regrettable in amenity terms, on balance, in this case, it is considered that the safety and well-being of the public is over-riding. A potential consequence of not properly considering the professional advice submitted and any consequential refusal of the application allow the removal of the tree may result in some future liability.
- 8.11 It is now quite a long period of time (26 years) since the tree became first protected and that during this time, it will have grown quite considerably. Furthermore, while Holm Oak has significant amenity value, they are not traditionally suited to a tight urban environment or being located as close to the boundary wall and footpath, as this one is. The tree roots and the main tree itself will have grown significantly over this period and despite pruning on three occasions, there will still be other growth and expansion. This helps to justify the tree's removal, along with the provision of an appropriate replacement tree.

### **Conclusion**

- 8.12 The contribution that this Holm Oak tree makes to this part of the Whyke area of Chichester and the Chichester Conservation Area is significant. However, the proposal to fell this mature tree, on the basis of existing and potential future impacts on adjacent public footpaths and structures, which could result in significant future health and safety risks, outweigh the general presumption in favour of retaining this aesthetically valuable tree.

8.13 Because of its maturity, the size and position of this tree has become unsustainable for its location and this further justifies its removal. It is, consequently, recommended that the application is approved, subject to a condition requiring a suitable replacement tree being planted. A suitable replacement example might be a Fastigiate Yew, a Fastigiate Oak or a Fastigiate Beech, which should be provided in as practicable location, close to that of the current tree.

#### Human Rights

8.14 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 works hereby permitted shall be completed within two years from the date of this consent. After the expiry of the time limit a further application for consent would have to be made.

Reason: A limited period has been imposed to prevent the accumulation of consents on the tree(s).

2) Within the first planting season following the completion of the proposed removal of 1 no Holm Oak tree (T3) subject to CC/93/00284/TPO, a suitable replacement tree type, for example Fastigiatae Yew tree or a Fastigiate Oak tree or Fastigiate Beech tree, shall be provided in a position as near as practicable to the location of the original tree to be felled and with a height of at least 2 metres when such planting is carried out. The location and species type must be agreed in writing with the Local Planning Authority prior to planting. Any root balled trees shall be planted in accordance with standard arboricultural practices as set out in British Standard BS 8545: 2014 (Transplanting Root Balled Trees). In the event that any such trees die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of the amenities of the locality.

3) The tree works for which consent is hereby granted shall not be carried out other than in full accordance with all standard arboricultural practices as set out in British Standard 3998:2010 (Tree Work).

Reason: In the interests of amenity and to protect the tree.

## INFORMATIVES

1) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

**The onus is therefore on you** to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

2) 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.

3) The location of the 1 no. Holm Oak tree (T3) subject to CC/93/00284/TPO relates to the plan submitted with this application.

For further information on this application please contact Henry Whitby on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWHJAMER0ZT00>





Parish: Chichester	Ward: Chichester South
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**CC/19/01286/FUL**

<b>Proposal</b>	Demolition of existing care home and detached bungalow, construction of new 55 bed care home.		
<b>Site</b>	Abbas Combe Nursing Home 93 And 94 Whyke Road Chichester West Sus PO19 8JF		
<b>Map Ref</b>	(E) 486928 (N) 103723		
<b>Applicant</b>	Mr Gant	<b>Agent</b>	Mr Conrad Quast

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

Red Card: Cllr Sarah Sharp - Exceptional level of public interest

Chichester City Council Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site is located within the Settlement Boundary on the southern edge of Chichester City. The application site is set in a prominent location on the corner of the Whyke Road roundabout, with the A27 to the south and Whyke Road (B2145) to the west.
- 2.2 The site comprises numbers 93 and 94 Whyke Road. Number 94 (Abbas Combe) is a detached 2 storey, red brick building with a single storey rear extension. The building is currently unoccupied; however its lawful use is as a care home (use class C2) providing 25 bed spaces for the elderly. Number 93 is a detached, residential bungalow (use class C3) of no particular architectural merit. There are two vehicular accesses from the Whyke Road serving each of the units. There are a number of small trees within the application site, separating the two buildings. The boundaries of the site comprise close board fencing, brick walls and mature vegetation.
- 2.3 When viewed from the A27, the current built form on the site is well screened by existing landscaping and mature vegetation along the southern and western boundaries. The site is bound by residential properties to the north and east.
- 2.4 The wider surrounding area has a loose knit suburban form, with mostly inter-war semi-detached 2 storey residential properties in generous plots, with the A27 marking the boundary of the suburban edge of Chichester. To the south of the A27 there are agricultural fields, the Chichester Free School and Ivy Lake.

## **3.0 The Proposal**

- 3.1 This proposal is for the demolition of the existing care home and the detached dwelling and the construction of a 55 bed care home. The proposed replacement building would be 3 storeys in height with a basement and with single storey elements on the northern and eastern elevations.
- 3.2 The proposed building would have a maximum width of 40m, a depth of 32m and height of 12.5m. The building would have a combination of half-hip and gable features with a central flat roof behind. The principal elevation would face Whyke Road to the west. Whilst the building would be predominantly taken up with individual en-suite bedrooms, the floorplans also show communal lounges and dining areas, a function room, a hairdresser, staff rooms, drug stores, offices, plant room, a kitchen and laundry room.

- 3.3 The access for the existing care home (Abbas Combe, number 94) would be altered to improve alignment and increased in width to 6.4m to allow for two way traffic. The vehicle access currently serving 93 Whyke Road would be closed and replaced with hedgerow and railings, with parking provision behind and a footpath adjacent the enhanced vehicular access. The railings would continue along the site frontage adjacent Whyke Road with hedgerow and 3no. trees planted behind, replacing the existing boundary treatment. Adjacent to the northern boundary of the site there would be a new footpath measuring 1m in width from Whyke Road. Within the site the footpath would split to provide pedestrian access to the main entrance of the building and would continue stepped in from northern boundary by approximately 2m to provide access to cycle storage, service access to the building and gates to the rear garden.
- 3.4 The proposal includes 18 vehicle parking spaces to the front of the site including 2 disabled spaces. There would be a store for 10 cycles in the north-western corner of the site, enclosed by a 1.8m high close-boarded timber fence.
- 3.5 A bin store is proposed on the western part of the site, close to the site access point. This would be enclosed by 2m high brick wall with 1.6m high gates.
- 3.6 The submitted block plan shows a garden area for the residents in the north-eastern corner of the site.

#### 4.0 History

09/02018/FUL	REF	Demolition of existing residential bungalow and construction of extension to nursing home.
APP/L3815/A/09/21 14195	ALLOW	Demolition of existing residential bungalow and construction of extension to nursing home (appeal).
11/00433/FUL	REF	Variation of condition no. 2 on planning permission CC/09/02018/FUL for demolition of existing bungalow and construction of extension to nursing home to the following extent only; to provide 4 no. dormer windows instead of 4 no. rooflights previously approved.
APP/L3815/A/11/21 52160	DISMIS	Variation of condition no. 2 on planning permission CC/09/02018/FUL for demolition of existing bungalow and construction of extension to nursing home to the following extent only; to provide 4 no. dormer windows instead of 4 no. rooflights previously approved (appeal).
11/01732/FUL	PER	Variation of condition no. 2 of CC/09/02018/FUL (demolition of existing bungalow and construction of extension to Nursing Home) to allow construction of 2 dormers on west elevation.

12/04353/EXT	PER	Extension of time of extant planning permission CC/09/02018/FUL. Demolition of existing residential bungalow to allow and extension to present nursing home.
16/00927/FUL	PER	Demolition of existing residential bungalow and construction of extension to nursing home.
18/01240/FUL	WDN	Demolition of existing care home and detached bungalow, construction of new 55 bed care home.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES – at the entrance of the site.
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## 6.0 **Representations and Consultations**

### 6.1 **Chichester City Council**

Objection. The proposal would cause unacceptable harm to the privacy and amenity of the neighbouring residence to the east and overshadowing to the neighbouring residence to the north. A daylight calculation should be provided in respect of the impact on the dwelling to the north. It does not appear that the proposal would be fit for dementia sufferers due to the design of the building including long corridors.

### 6.2 **Environment Agency**

The technical note submitted with this application makes reference to the Surface Water and Foul Drainage Supplementary Planning Document - September 2016 and not the current position statement on managing new housing development in the Apuldram (Chichester) Wastewater Treatment Works Catchment; which states the need for this development to demonstrate no net increase in flows. However, the applicant has been able to show that the new care home would provide lower flows than existing. We therefore have no objection subject to a condition requiring higher standards of water efficiency.

### 6.3 Southern Water

#### **Additional comments (12/09/2019)**

Further information was provided by the developer relating to the existing foul flows in to the public sewerage system. Foul water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows. A section106 application under the Water Industry Act is required for the new connection.

All other comments in our response dated 07/06/2019 remain valid.

#### **Original comments (07/06/2019)**

Southern Water has undertaken a desk study of the impact on additional foul sewerage flows from the proposed development will have on the existing sewer network, which indicated that there is an increased risk unless any network reinforcement is provided by Southern Water, funded by the New Infrastructure Charge and Southern Water's Capital Works Programme. A condition is recommended requiring the occupation of the development to be implemented in line with the delivery of such reinforcement.

Southern Water has no identified public surface water sewers in the area to serve the development and as such alternative means of draining surface water will be required.

A detailed design of the proposed basement should take into account the possibility of the surcharging of the public sewers. This should be added as an informative should permission be granted.

Oil trap gullies or petrol/oil interceptors should be used where there is general hardstanding that may be subject to oil/petrol spillages.

A condition is recommended to secure details of both foul and water sewerage disposal to be submitted to the LPA and approved in consultation with Southern Water.

### 6.4 Highways England

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

While we do not entirely agree with the content of the Transport Assessment, having undertaken our own assessment, we are satisfied that the development proposals can be achieved, subject to a condition securing a Construction Management Plan. We therefore consider that, subject to the required condition, the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13, particularly paras 9 & 10, and DCLG NPPF, particularly para 109), in this location and its vicinity.

## 6.5 Natural England

### **Additional comments (23/08/2019)**

As the residents will not have cars or pets, and as there will be no staff accommodation on site, I can confirm that there is no need for a financial contribution to mitigate bird disturbance, and no need for an appropriate assessment.

### **Original comments (04/06/2019)**

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

## 6.6 WSCC Highways

### **Additional comments made in response to third party comments (02/07/2019)**

The tracking of the waste vehicle does show some overhang upon entry, however, this is common-practice and other highway users generally respect this. It is noted that the A27 exit lane is close to the access. However, the intervisibility between the driver and drivers coming-off the A27 meets Manual for Streets criteria. The risk of conflict is considered low as waste collection is anticipated to be occasional visits per week. Finally, the proposed change to the access provides an improvement compared to the present arrangement because of its alignment and greater width. This will also assist movement of vehicles when entering and leaving.

The parking on local roads by staff and parents in association with the Free School is unrelated to the proposal and therefore the proposal has no bearing on this.

Parking guidance quotes maximum numbers. The site provides for 18 car parking spaces which will see regular turnover throughout the working day. As such, the number is considered acceptable. Access by other sustainable modes (e.g. walking, cycling, public transport) is very good which will help to reduce car use associated with the development.

With regard to the request for bollards from the neighbours at No. 92, the actual objection appears to suggest that the occupiers have concerns with the relationship of part of the car park where deliveries are proposed within the site - not on the highway. As long as any bollards don't impact negatively on the turning space required for such vehicles (and refuse trucks) within the site, the CHA has no objection in principle to this/these additions within the site.

A new boundary wall and railing appears to be shown encroaching on land that is either within and/or dedicated to be for highway purposes. Either way, no structure should be shown any further forward than the existing wall in order to maintain visibility (and the status-quo) for users of No. 92. The 'Cyclists Dismount' sign will need to be carefully re-located as part of any final scheme (to be considered as part of the S38/278 highway works).

#### **Original comments (04/06/2019)**

From a highways point of view, the current planning application appears to largely replicate previous planning application CC/18/01240/FUL. The additional information requested under C/18/01240/FUL has been submitted with the current application. Conditions are recommended and the applicant will need to enter into a legal agreement, to cover works on the highway and any off-site highway works.

Further advice should be sought directly from the Fire and Water and Access Officer prior to determination of the planning application.

#### **6.7 WSSC Fire and Rescue Service**

##### **Comments received 19/11/2019**

Based on the statement submitted that a suitable and sufficient sprinkler system will be fitted as part of the development construction, dry risers will not be a requirement in the design of the building.

##### **Comments received 29/07/2019**

There are concerns over access to rear of the building. Although these will be dealt with under building regulations, they may affect the design submitted under planning. Dry risers need to be installed, unless mitigated by installation of sprinklers.

#### **6.8 WSSC Lead Local Flood Authority**

Current surface water flood risk based on 30year and 100year events - Low Risk  
Modelled groundwater flood hazard classification - High  
Watercourses nearby? - No  
Records of any historic flooding within the site? - No

#### **6.9 CDC Housing Enabling Officer**

Chichester has an older than average population and this trend is set to increase. While there is limited quantifiable information and research on older people's needs in Chichester city and district, it is widely recognized that this is an increasingly important demographic sector.

Consequently, I am pleased to see the redevelopment of outdated care home into a modern facility which will provide a greater number of bed-spaces.

No affordable housing quota is applicable in a C2 development, whereas there would be for older persons' C3 units. The proposals seem to be a C2 scheme, with the accommodation provided as en-suite rooms and care provided. If however it is considered that it is C3, I would be happy to calculate the required quota.

#### 6.10 CDC Drainage Engineer

##### **Flood risk**

The proposed development is within flood zone 1 and we have no records of historic flooding. It should be noted that there are areas in close proximity to the site that are within flood zone 2 and at risk of surface water flooding.

##### **Surface water drainage**

It is proposed that surface water will be disposed of via soakaway. This is acceptable in principle. Some infiltration testing has been carried out, however it is not clear when this testing was completed. And there is a lack of groundwater monitoring results.

Further data collection is required in order to inform an appropriate drainage design. Winter groundwater and infiltration rate monitoring should be undertaken and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with the appropriate standard or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. The design must also ensure capacity in the system to contain below ground level the 1 in 100 year event plus 40%, as an allowance for climate change.

Conditions are recommended to secure the required information and ensure that the site is adequately drained now and in the future.

#### 6.11 CDC Environmental Health Officer

##### **Comments received 19/11/2019**

Providing there are no garden areas to the south or west of the site (facing the A27 noise and air pollution source) there is no need for additional mitigation to external areas. The predicted noise level in the outdoor courtyard should meet the following criteria: sound levels, within any external amenity areas, should not exceed 55dB LAeq, 16hours (07:00-23:00).

##### **Comments received 05/07/2019**

##### **Air quality**

An Air Quality Assessment has been submitted produced by SLR consulting dated May 2019 and covers potential constraints from road vehicle emissions from the adjacent A27, and potential construction dust and road vehicle emissions during operation.



The data used within the modelling for the Air Quality Assessment is considered appropriate.

The predicted annual mean NO<sub>2</sub> concentrations were assessed against the Air Quality Objective (AQO) of 40ug/m<sup>3</sup>. A total of seven bedroom facades on the ground floor are predicted to have NO<sub>2</sub> concentrations greater than 36ug/m<sup>3</sup>. Concentrations of NO<sub>2</sub> at the remaining residential and non-residential areas on the ground floor are predicted to be below the AQO of 40ug/m<sup>3</sup> and at upper floors, the concentrations are below the annual mean AQO.

Mitigation measures are considered to be required to reduce the significance of effects of NO<sub>2</sub> from vehicle emissions.

It is noted that there is already an extant planning permission for redevelopment of the care home. These proposals represent an opportunity to improve living conditions at the site location due to the following factors:

- the new building has a façade set further back from the A27 than the existing building
- additional mitigation can be designed in to the new development to improve indoor air quality.
- The windows of all affected units can be conditioned to be non-opening and an effective method of mechanical ventilation can be conditioned to draw air from the non-A27 direction (ie the leeward side) in order to reduce the exposure of occupants to polluted air.

We agree with the Consultants conclusions in respect of construction impacts and it is recommended that effective dust mitigation measures are implemented in order to control dust impacts.

An assessment has been made of the operational phase vehicle emissions predicted by the Transport Consultants. An additional 55 vehicle movements per day are predicted of which 2 would be HGVs and the rest light vehicles. In accordance with guidance, potential air quality impacts need consideration where additional trips are in excess of 500 Annual Average Daily Traffic (AADT) outside an Air Quality Monitoring Area. Given that the predicted vehicle movements are well below these criteria, the impacts from operational vehicle emissions can be considered to have an insignificant effect on local air quality.

In order to encourage the use of sustainable transport, a condition should be applied to require cycle parking to be provided at the site.

## **Noise**

Consideration has been given to Noise Solutions Ltd's External Building Fabric Assessment (Ref: 87416, 6-4-18) revised 11 April 2019.

The report specifies glazing specifications for various facades of the proposed development. Our department is satisfied that suitable internal sound levels can be attained through design, but the design has not been provided fully at this time. A condition is therefore recommended.

Where it is evident that windows shall be required to be closed to meet the aforementioned criteria, adequate ventilation shall be specified. Details of the proposed ventilation system shall be submitted to the LPA prior to development for approval and this shall be secured via a condition.

The report has indicated that attenuated mechanical ventilation should be provided for the worst affected rooms. We are assuming this includes Mechanical Ventilation with Heat Recovery (MVHR). Our department would favour this option as it negates the need for trickle vents or mechanical wall vents.

A further condition is deemed necessary for all outdoor amenity areas to ensure sound levels do not exceed 55dB LAeq, 16hours (07:00-23:00). The courtyard approach will ensure the condition is adhered to for the central gardens. Safeguards are required to ensure that gardens are not positioned to the south and west of site, where elevated and inappropriate noise levels are experienced.

## 6.12 CDC Environmental Co-ordinator

Policy 40 Sustainable Construction.

These comments are based on the Sustainability Statement prepared by Edmund Williams Architects and dated October 2019.

Policy 40 has various requirements contained in its numbered paragraphs.

Policy 40 (2). 110l/person/day water consumption. The stated intention is to meet this requirement, which is more difficult to achieve in nursing home compared to a standard domestic property, but no firm target has been set

Policy 40 (4). Building techniques and use of sustainable materials. The current sustainability statement does not give full details of the materials or techniques to be used other than a commitment to use triple glazing, heat recovery on mechanical ventilation and “thicker than usual” insulation

Policy 40 (5). Minimisation of energy consumption and maximisation of renewable energy. The applicants propose to use a Combined Heat and Power (CHP) plant for heating and hot water. Given the high heating and hot water demand of a care home this approach is to be supported and encouraged. In effect the electricity generated by the CHP plant derives from energy that would be wasted in a conventional gas boiler installation, so saving carbon. The statement does not quantify the saving in carbon compared to Buildings Regulations minimum from the additional insulation, glazing, heat recovery and CHP. This information has been requested and is awaited.

Policy 40 (6). Adaption measures for climate change. The application proposes the use of a SuDS system of drainage. The outdoor spaces are designed for morning sun, going into shade from mid-day as this is an important medical consideration for occupants as well as an adaptation measure for avoiding over-heating.

Policy 40 (10). Air quality and Electric Vehicle (EV) charging points. This is not directly addressed in the sustainability statement, other than to refer to a separate traffic assessment and travel plan. The main consideration will be provision for staff and visitors

#### 6.13 CDC Environmental Strategy Officer

##### **Additional comments (03/07/2019)**

Following the answers given for this use of this nursing home we are happy that a contribution to the bird aware scheme will not be required.

##### **Original comments (05/06/2019)**

Bats - As a precautionary approach demolition should be undertaken by hand (in the presence of a suitably qualified ecologist). If a bat is found all works must stop and Natural England consulted. A tool box talk should also be given by the ecologist to the contractor regarding bats.

The lighting scheme should be sensitive to bats and birds in the local area

Reptiles - to ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

Nesting Birds - any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season.

Enhancements – enhancements to be incorporated within the scheme:

- Any trees removed should be replace at a ratio of 2:1
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site

Recreational Disturbance – SPA contribution maybe required.

#### 6.14 CDC Contract Services (Waste)

To enable our freighter to enter the site we would need to cross over the other side of the carriageway. There is concern for vehicles exiting the A27 which may come into conflict with our freighter.

The car park layout is acceptable.

## 6.15 Third Party Representations

### Amended plans

4 letters of objection have been received on the following grounds:

- Comments have not been addressed.
- The amendments will not change amount of traffic or parking in local area or pedestrian safety.
- Unconvincing drawing to show the light paths onto 92 Whyke Road - does not take into account winter solstice.
- Overbearing impact
- Overdevelopment
- Harm to neighbours
- Sight line quoted in road safety audit inaccurate
- Highway safety risks
- Insufficient space for vehicles to manoeuvre within the site

### Original plans

14 letters of objection, including a letter from Whyke Residents Association, have been received concerning:

#### a. **Highways**

- There is now a new Free School open since the previous applications
- There are school drop offs/ collections and staff parking on local roads
- Kids walking to the school
- Dangerous crossing location
- Poor visibility at the roundabout with A27
- Under provision of parking, requirement for 21 spaces to meet WSCC guidance, not enough parking for increase in staff required, likely result in increase in parking on the roads.
- Dangerous junction
- Risk of vehicle collision with Number 92
- Cyclist safety
- Where would construction vehicles park
- Already a nursing home opposite with not enough parking (Whyke Lodge)

#### b. **Visual impact**

- Incompatible scale to surrounding residential properties
- Visual impact from the A27 and Longdale Avenue
- Nothing domestic about appearance

#### c. **Residential amenity**

- Loss of light
- Disruption to neighbours
- Currently eastern wall on boundary provides privacy and security to 9 Longdale Avenue - removal would result in loss of this, request that retained or replaced immediately
- Correct boundary line with 9 Longdale Avenue should be reinstated

- Overbearing on Number 92
- 2m higher than permitted scheme
- Tallest part adjacent to Number 92, the Design and Access Statement is incorrect
- Long blank wall extends the entire length of garden of Number 92
- Contrary to Policy 33
- Will require access for maintenance of wall of Number 92, fence panels should be removable
- Condition to ensure that removal of leylandii trees do not result in damage to Number 92
- Footpath close to Number 92 - loss of privacy
- No mention of lighting, lightings should be designed to minimise disruption to neighbours
- There should be a no-smoking zone in northern part of the site
- Overshadowing of properties

d. **Standard of accommodation**

- Poor outlook
- Small garden
- Couldn't open windows due to noise of bypass

e. **Other**

- Query consultations - fewer residents notified compared to previous applications
- Fire safety - no comments from WSCC F&RS
- Air quality
- Request for Officer SV to Longdale Avenue

#### 6.16 Applicant/Agent's Supporting Information

- The existing home can accommodate up to 25 residents but the facilities are no longer fit for best modern practice.
- The property has been subject to proposals to increase capacity and standards by a significant extension by planning application CC/09/02018/FUL and subsequent appeal ref: APP/L3815/A/09/2114195. That proposal increased the number of resident rooms to 50. Retaining part of the existing, and adding accommodation, would result in inefficient internal layouts on all floors and compromises in operational function and residents' amenities.
- The footprint of the proposed building is 963m<sup>2</sup>, which is 40% of the site area. As a comparison the existing care home (plus the bungalow) have a footprint of 696m<sup>2</sup> (27% of the site area) and the permitted scheme a footprint of 1179m<sup>2</sup> (45% of the site area).
- Noise generating spaces such as kitchen, laundry and plant rooms are set in a basement.
- The new building aims to be more energy efficient than the Building Regulation requirements.
- The need to provide housing for older people is described in the PPG as 'critical' as people are living longer lives and the proportion of older people in the population is increasing" (paragraph 001).
- The proposal addresses a pressing need for specialist care accommodation for older people in the local area

- It would contribute towards the Council's housing supply, freeing up other sectors of the housing market by releasing family housing accommodation.
- Creation of local employment opportunities
- Supports the creation of a mixed and balanced community that addresses inter-generational needs and aspirations
- Regeneration of a currently derelict site and optimising the use of the land to create a new area of productive and attractive townscape.
- It would fulfil the social, economic and environmental strands to sustainable development as set out in the NPPF and the local development plan.

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document 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 WwTw Catchment  
 Policy 39: Transport, Accessibility and Parking  
 Policy 40: Sustainable Design and Construction  
 Policy 42: Flood Risk

#### National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
- or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to the following sections: Sections 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

#### Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD  
Surface Water and Foul Drainage SPD  
CDC Waste Storage and Collection Guidance  
CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions (Officer note only applicable as guidance in the assessment made in section v. of this report)

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:

- Maintain low levels of unemployment in the district
- Promoting and developing a dementia friendly district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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. Background
- ii. Principle of development
- iii. Design, visual amenity and character of area
- iv. Highway safety and parking provision
- v. Residential Amenity
- vi. Standard of accommodation and amenity space
- vii. Flooding, surface water and foul drainage
- viii. Ecology
- ix. Impact on Trees
- x. Sustainable Design and Construction

## Assessment

### i. Background

- 8.2 The most relevant planning history for the application site is set out in Section 4 of this report. An extension to the care home to increase the number of bedrooms to 50 following the demolition of the existing residential bungalow (Number 93) was originally allowed on appeal in 2009 (ref: APP/L3815/A/09/2114195). The time limit for the implementation of this permission was extended for 3 years under application 12/04353/EXT and permission for the scheme was re-granted under 16/00927/FUL. All of these permissions have now lapsed and therefore currently there is no fallback position for an enlarged care home on the site. Nonetheless, some weight can be given to the planning history of the site when considering the merits of the current application.
- 8.3 With regard to changes in planning policy and changes in material planning considerations since the last approval, application 16/00927/FUL was granted on 11/08/2016 and therefore was considered against the policies of the current Local Plan. The Chichester Local Plan: key policies 2014-2029 remains the starting point for the determination of this planning application. Since the determination of application 16/00927/FUL the NPPF has been updated (in July 2018 and February 2019), nonetheless there are no significant changes to the NPPF that are directly relevant to the assessment of this application, apart from paragraph 118 (d) that requires planning decisions to support the development of under-utilised land and buildings. The Council adopted the Surface Water and Foul Drainage SPD on the 20th September 2016 and a position statement was issued for Apuldram WwTW in 2019 which has altered the way in which major developments are assessed in terms of foul drainage. With regards to the change in site circumstances there has been a two storey rear extension to number 92 Whyke Road to the north of the application site.
- 8.4 The current application differs from the expired permissions as it seeks the re-development of the entire site to provide a new care home with 55 bedrooms, it would have a smaller footprint measuring approximately 975sqm and would be predominantly 3 storeys in height. Whereas, the previous scheme proposed an extension to the existing care home around a central courtyard. The previously approved extension comprised a 3 storey wing measuring approximately 490sqm in area with 2 storey and single storey extensions. The cumulative footprint of the extended care home would have been approximately 1200sqm.

### ii. Principle of Development

- 8.5 The site is located within the Settlement Boundary of Chichester City on its southern edge, wherein the principle of development is acceptable in accordance with Policy 2 of the CLP, subject to it satisfactorily meeting other policies of the Local Plan and the NPPF.
- 8.6 Policy 10 of the CLP sets out the development principles for Chichester City, which includes, inter alia, the provision of improved facilities for health and other social and community uses. This is amplified at paragraph 61 of the NPPF that seeks LPA's to plan for a mix of housing for the needs of different groups in the community, including older residents.



8.7 The proposal, to provide a replacement care home (use class C2), with improved facilities and communal areas for residents, is in accordance with these policies and is therefore acceptable in principle.

iii. Design, Visual Amenity and Character of Area

8.8 Policy 10 of the CLP states that all development will be required to have special regard to the city's historic character and heritage. Further to this, Policy 47 of the CLP requires proposed developments to demonstrate that the individual identity of a settlement is maintained.

Design

8.9 With the above policy requirements in mind, it is acknowledged that the proposed building would be substantially larger than the surrounding properties. However, three storey development has been considered acceptable in the past in the determination of the expired planning permissions. Whilst there would be a greater footprint of three storey development, there would be less sprawl of the two storey and single storey development across the site, and as such, the cumulative footprint of the development would be reduced compared to the previous scheme. Furthermore, the care home would be set back further into the site than the previously permitted scheme and therefore would be less prominent when viewed from Whyke Road.

8.10 The scale, bulk and mass of the building necessitates a central flat roof, however this would be adequately concealed when viewed in the streetscene by peripheral half-hip and gable features. The front elevation would feature a variety of roof heights and forms, providing interest. The front entrance would comprise a gable end with column features around the entrance door and would provide a focal point on this elevation.

8.11 The submitted plans show that bedrooms 11-15 inclusive would have patio doors. It is considered reasonable to impose a condition requiring details of any boundary treatment for private patios to be submitted to the Local Planning Authority for approval, to prevent harm to the amenities of future occupiers and visual amenity by way of inappropriate artificial subdivision of the garden area.

Visual amenity and Character of the Area

8.12 The building would include traditional features and detailing such as dormer windows, tile hanging and brick string courses. The proposed windows have generous proportions and would have a regular pattern on all elevations. The proposed materials would comprise red/brown brick, tiles and white render; these materials would reflect the character of the surrounding area. A condition is recommended to secure the submission and approval of materials. This would ensure that the proposed materials would be of an appropriate quality, appearance, texture and tone.

- 8.13 The site would be seen within the context of the A27. The proposal includes a single bellmouth vehicular access, increased parking provision, relocation and provision of a bin store and the loss of some trees from the site boundaries. Although, these proposed changes are considered to have a more urbanising impact they would also create a more active frontage with Whyke Road. This change in character would not result in harm to the character and appearance of the area.
- 8.14 The applicant has submitted an indicative landscaping scheme which shows replacement trees proposed along the site frontage. This shows 3 trees and hedgerow between the proposed railings on the front boundary and the parking spaces behind. There would also be additional tree planting and hedgerow along the south-western and southern boundaries of the site. This would help to soften the appearance of the development when viewed from the street scene. A detailed landscaping scheme is recommended to be secured by condition.
- 8.15 Third party comments have been raised concerning views from Langdale Avenue, situated to the rear of the application site. In this respect it is noted that the building would likely be visible in the foreground and effect the backdrop of properties along Langdale Avenue. However, given the separation distance between the proposed building and the street frontage of Langdale Avenue, the proposal would not appear unduly prominent and therefore would not materially harm the character of the streetscene.
- 8.16 In light of the above the proposal is considered to have an acceptable design and appearance, it would not result in material harm to visual amenity and would be in keeping with the character of the area. The proposal would therefore accord with Policies 10 and 47 of the CLP.

iv. Highway Safety and Parking Provision

- 8.17 Policy 39 of the CLP seeks to ensure that developments have safe and adequate means of access and turning for all modes of transport, and that any residual cumulative impacts are not severe.
- 8.18 The Local Highway Authority (LHA) has assessed the proposal and raises no objection. The submitted Transport Statement states that the number of daily vehicle trips generated by the proposed development would have a negligible impact on the local road network in terms of highway capacity and safety. The proposed access would be through a bellmouth entrance in the same position as the existing Abbas Combe access point with improvements to the visibility splays and footpath on the northern side. There would also be a pedestrian access point from Whyke Road on the northern side of the site frontage also with adequate visibility splays. The proposed railings on the front boundary along Whyke Road would not be any further forward than the existing boundary wall that it would replace (as shown on plan 1838/PA/009 Rev. A). Furthermore, the amended plans show that there would be no structure any further forward than the existing boundary wall between numbers 92 and 93, in order to maintain visibility for users of number 92. A condition is recommended to ensure the access points will be provided in accordance with the submitted drawings and all recommendations in the road safety audit.

- 8.19 The proposal includes provision for 18 car parking spaces including 2 disabled spaces. The provision of the car parking spaces and turning space is recommended to be secured by condition. Electric car charging points are also recommended to be required to be agreed by condition. Officers note that third parties have raised objection on the grounds that this would be insufficient and, consequently, further comments were sought from the LHA in that respect. The LHA subsequently confirmed that it considered that the site would be likely see regular turnover of vehicles throughout the working day and as such the number of spaces is acceptable. In addition the LHA confirmed the site has very good access by other modes (walking, cycling and public transport) which will help reduce car use associated with the development. The 10 cycle spaces proposed will be secured by condition.
- 8.20 Conditions are also recommended to prevent surface water draining onto the public highway and to secure a Construction Management Plan and a Travel Plan. Further to this, an informative is recommended advising the applicant that they will need to enter into a S38/278 agreement with WSCC for the off-site highway works and to ensure that an existing Cyclist Dismount sign is repositioned.
- 8.21 The site is adjacent to the A27, Highways England were therefore consulted and have undertaken their own transport assessment and are satisfied that the proposed development would not materially affect the safety, reliability and/or operation of the Strategic Road Network.
- 8.22 Whilst it is acknowledged that a number of representations have been received regarding highway safety due to traffic, parking and pedestrians associated with the Free School, the County Highway Authority is satisfied that the proposal would not materially exacerbate traffic or increase highway safety risks.
- 8.23 In view of the above, the proposal is acceptable in terms of highway and parking considerations in accordance with Policy 39 of the CLP.

v. Residential Amenity

- 8.24 Paragraph 127 of the NPPF 2019 requires developments to contribute to places with a high standard of amenity for both existing and future users.
- 8.25 In general terms the proposed use of the site as a care home is compatible with a residential area. Furthermore, it is acknowledged that the existing care home has been operating on the site for many years.
- 8.26 Whilst the proposed development would result in a three storey building, the development would be sufficiently separated from the neighbouring properties to prevent material harm by way of any potentially overbearing impact. Third parties have raised concerns that the northern side flank elevation would extend the length of the garden of number 92 Whyke Road. As part of the officer negotiations during the course of the application, this elevation has been amended and the three storey element has been moved further away from the side boundary with 92 Whyke Road.

As amended the three storey element would be 9.2m from the closest boundary with no.92 with the single storey element being 6m from the boundary. Eaves have also been reduced in height from 5.5m to 2.8m. Given this separation distance and the reduced eaves height of the built form closest to this neighbouring occupier, the proposal would not result in material harm to these occupiers' living conditions by way of overbearing impact.

- 8.27 The applicant has submitted site sections with indicative sunlight/shadow lines, which show that shadows cast by the proposed building would be contained within the application site itself. Notwithstanding this, whilst it is acknowledged that the replacement care home would not constitute an extension officers are still satisfied that the proposal would accord with the guidance contained within the Council's Planning Guidance Note for extensions. A rear conservatory to no.92 has recently been demolished and replaced by a 2 storey rear extension (reference 18/00716/DOM). The proposed development would intersect a 45 degree line taken from the centre of the closest ground floor window at approximately 13m, with the first and second floors intersecting this line at 18m. Whilst the Council's Planning Guidance Note for extensions, does not specify a specific length that the 45 degree line should be taken to, 13m is considered a reasonable distance. Officers are therefore satisfied that the proposal would not result in a material loss of light to or aspect from no.92.
- 8.28 On the proposed northern side elevation there would be 4 rooflights in the roofslope facing no.92. These would be elevated approximately 3m from the finished floor level and as such would not result in overlooking. Conditions are recommended to ensure that these windows are installed at high level and that no mezzanine floors can be erected without agreement of the Local Planning Authority, in order to safeguard the privacy of the occupiers of no.92.
- 8.29 There would be bedroom windows on the northern elevation contained within a courtyard. Whilst these may result in some glimpsing views of neighbouring properties to the north and east, given the separation distances to the boundary to the north and the oblique angle to the boundary on the east, these would not result in a material loss of privacy to neighbouring occupiers.
- 8.30 On the proposed eastern elevation, which faces Longdale Avenue, there would be a number of first and second floor windows and balconies. The closest first and second floor windows to Number 9 Langdale Avenue are those serving the lounge and dining rooms which are 12-15m from the boundary. A condition is recommended requiring these to be obscure glazed to prevent overlooking. Likewise, the proposed balconies would have obscure glazing screens to restrict views to the east. The proposed bedroom windows in the eastern elevation would be 17m from the site boundary, which would exceed the 15m separation distance recommend in the Council's Planning Guidance Note for Alterations to Dwellings & Extensions. As such, the proposed development would not result in a material loss of privacy to Number 9 Langdale Avenue.
- 8.31 The windows on the southern and western elevations would overlook the A27 and Whyke Road respectively, and as such, would not result in material harm to neighbouring occupiers.

- 8.32 Concern has been raised by a third party that the proposed footpath adjacent the northern boundary would result in a loss of privacy to Number 92. Views from the path to the rear garden of Number 92 would be blocked by the 1.8m close board fencing, whilst the views from the footpath to the front garden of Number 92 would not be significantly greater than that can be achieved from Whyke Road. Furthermore, landscaping along this boundary would be secured by a landscaping condition.
- 8.33 A condition to secure a Construction and Environmental Management Plan is recommended to mitigate and minimise harm to residential amenity during the course of the construction works.
- 8.34 In light of the above, the proposal would not result in material harm to nearby residential amenity and would accord paragraph 127 of the NPPF in this regard.
- vi. Standard of accommodation and amenity space
- 8.35 Paragraph 127 of the NPPF 2019 also requires developments to promote health and well-being, with a high standard of amenity for future users.
- 8.36 The care home would provide communal areas including lounges and dining areas, a function room and hairdressers. This is considered to be appropriate for the intended use of the site. Further to this there are communal garden areas to the north-eastern part of the site which, to a large extent, are shielded from the traffic of the A27 by the proposed building.
- 8.37 The proposed bedrooms would measure approximately 17.5m<sup>2</sup> and would have en-suites. All bedrooms would have adequate outlook. This is considered an improvement to the existing accommodation on the site.
- 8.38 Although not within a designated Air Quality Management Area, the site is immediately adjacent to the A27. The Council's Environmental Protection Officer has considered the submitted Air Quality Assessment and is satisfied with the air quality modelling and has recommended a condition to require the submission of details of the proposed window design and mechanical ventilation prior to works above ground level, in order to ensure that indoor air quality will be acceptable for future occupiers.
- 8.39 The submitted noise report states that all bedrooms on south and west elevations will require acoustically treated mechanical ventilation. The Council's Environmental Protection Officer has also stated in his consultation response that safeguards are required to ensure that gardens are not positioned to the south and west of site, where elevated and inappropriate noise levels are experienced. As such, amended plans have been submitted showing the patio doors removed from bedroom numbers 6-10. A condition is also recommended removing permitted development rights for the alteration of windows on the southern and western elevations without the prior permission of the Local Planning Authority.

8.40 The proposal would therefore provide an acceptable standard of accommodation and amenity space, subject to conditions. The proposals therefore accords with paragraph 127 of the NPPF in this regard.

vii. Flooding, surface water and foul drainage

8.41 The application has been supported by a Flood Risk Assessment and Drainage Design Strategy Report. The entrance to the site is located within Flood Zone 2, however the proposed replacement care home would entirely be within Flood Zone 1.

8.42 The Council's Drainage Engineer is satisfied that surface water could be disposed via soakaways and conditions are recommended to require winter ground water monitoring and to ensure a suitable SuDs scheme to adequately drain surface water from the site.

8.43 The site is located within the Apuldram waste water treatment catchment area. The joint Southern Water and Environment Agency's Position Statement states that for major development prior to approval applicants will need to demonstrate no net increase in flows to the sewer network of the Apuldram WwTW. The applicant's drainage engineer's technical note states that the new 55 bed care facility with modern, efficient sanitary provision and water management will have comparable or lesser foul water flows than the existing care home with dated internal infrastructure, and calculations have been provided to demonstrate this. Southern Water and the Environment Agency have been consulted on this and are satisfied with its conclusions and raise no objection to the proposal subject to a condition. As outlined in section x. below, a condition is recommended requiring details to be approved to ensure a higher standard of water efficiency.

8.44 In light of the above, the proposal would accord with Policies 12 and 42 of the CLP.

viii. Ecology

8.45 The application is supported by an Ecological Assessment which does not identify any protected species on site. Nonetheless, a precautionary approach to the demolition of the existing buildings on the site is recommended to be secured by condition to ensure that there would be no material harm to bats. A condition is also recommended to require a scheme of ecological enhancement with particular provision of ecological enhancement to be submitted to and approved by the Local Planning Authority.

8.46 Given that the residents will not have cars or pets, and as there will be no staff accommodation on site, the Council's Environmental Strategy Officer and Natural England are both satisfied that there would be no increase in recreational pressure on the Chichester and Langstone Harbour SPA. As such, an appropriate assessment is not required in this instance. As there would only be 18 vehicular parking spaces within the site it would not be necessary for the Local Planning Authority to restrict residents from having cars by way of planning condition or legal agreement. Furthermore, the accommodation is unlikely to be unsuitable for residents with dogs, as such, it would be unreasonable to impose a planning condition to restrict this.

8.47 In light of the above, the proposal would accord with Policies 49 and 50 of the CLP.

ix. Impact on trees

8.48 The application is supported by an arboricultural report. This sets out a number of trees that will need to be removed from within the site, however these are considered to be of low quality. The landscaping scheme will propose replacement trees along the boundaries. The arboricultural report sets out precautions are recommended to safeguard retained trees within and outside the application site, however this omits details of method of the installation of the proposed fence near to the trees on the southern boundary. As such, it is considered reasonable to impose a pre-commencement condition requiring the submission of an updated Arboricultural Method Statement

8.49 In light of the above, the proposal would accord with Policy 52 of the CLP.

x. Sustainable Design and Construction

8.50 The submitted addendum to the design and access statement dated October 2019 states that the new building would be better insulated than the Building Regulation requirements and will have triple glazing. All mechanical ventilation will be using heat exchangers to maximise the energy efficiency. The building services would also include a combined heat and power plant (CHP). The CHP would supply the hot water and heating and as a by-product electricity would be produced, reducing the energy consumption of the building. The applicant's main argument for a CHP is that generally care homes need more hot water and heating than they need energy. Therefore renewables such as solar PV are usually counterproductive with regards to energy savings. The Council's Environmental Co-ordinator has no objection to the use of CHP to reduce energy consumption and carbon emissions, subject to final confirmation of the saving in carbon compared to Building Regulations.

8.51 With regards to water consumption the Council's Environmental Co-ordinator notes that the submitted Sustainability Statement sets out that it is the applicant's intention to meet 110l/person/day however it is more difficult to achieve in nursing homes compared to standard domestic properties. The submitted Technical Note on foul drainage by Arc Engineers sets out a comparison with another care home with facilities to optimise water consumption and usage efficiency. This report estimates that the care home could achieve a cumulative water consumption rate of 9,500l/day (this equates to 172.7l/person/day).

8.52 A condition has been recommended to secure a final scheme for sustainable design and construction and water efficiency to ensure high standard of environmentally sustainable design, in accordance with Policy 40 of the CLP. This includes the requirement to provide full details of the savings in carbon compared to Building Regulations. With regards to water efficiency measures the recommended condition requires full details of the scheme to secure a high standard of water efficiency to be submitted to and approved in writing to the Local Planning Authority. An informative is also recommended setting out that officers would expect the developer to achieve water efficiency as close as possible to 110l/person/day and not exceed 9,500l/day cumulatively.

### Other Matters

- 8.53 Third parties have requested conditions to restrict lighting and prevent smoking in the garden area. A scheme for external lighting is recommended to be secured by condition to take into account the impact on neighbouring amenity and ecology. However, it would be outside the scope of the planning regime to restrict smoking in the northern part of the site and would not be enforceable by means of a planning condition.
- 8.54 With regards to access for the maintenance of Number 92 and any damage through the course of the construction works or lifetime of the development this is outside the scope of the planning regime and would be a private matter. Following third party comments the applicant has shown bollards adjacent the flank wall of Number 92 on plan number 1838/PA/020 Rev. B. Whilst the bollards are not necessary to make the scheme acceptable on highway safety grounds, the County Highway Authority has confirmed that they have no objection to bollards in this location.
- 8.55 With regard to comments about publicity for the application, this has been done via a press advertisement, display of a site notice and notification letters which were sent to properties adjoining the application site, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 8.56 With regards to the comments provided by WSCC Fire and Rescue Service the applicant has confirmed in their email dated 29/07/2019 that the building would have a sprinkler system and no amendments to the design are required.
- 8.57 This proposal would not be CIL liable as the proposed care home would be use class C2.

### Significant Conditions

- 8.58 The significant conditions required to make this development acceptable have been discussed in the relevant sections of this report. These include a Construction Management Plan, noise mitigation, air quality, sustainable construction, landscaping, highway conditions, obscure glazing of windows and balcony screening and removal of specific permitted development rights.

### Conclusion

- 8.59 Based on the above it is considered the proposal complies with the relevant local and national development plan policies and guidance and, accordingly, the application is recommended for approval, subset to conditions.

### Human Rights

- 8.60 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 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) **No development shall commence**, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority and Highways England. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the method of access and routing of vehicles during construction,
- (c) the parking of vehicles by site operatives and visitors,
- (d) the loading and unloading of plant, materials and waste,
- (e) the storage of plant and materials used in construction of the development,
- (f) the erection and maintenance of security hoarding,
- (g) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (h) details of public engagement both prior to and during construction works.
- (i) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and any other measures recommended in the submitted Air Quality Assessment report prepared by SLR Consulting dated May 2019.
- (j) measures to control the emission of noise during construction,
- (k) 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,

Reason: In the interests of highway safety and prevent avoidable congestion on the A27. Also 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. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) **No development shall commence** until the 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 the highest annual ground water levels, and Percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. The care home shall not be occupied until the complete surface water drainage system serving the care home has been implemented in accordance with the agreed details.

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 shall commence** until details of a system of foul drainage of the site and the timing/phasing of its provision have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. 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) Notwithstanding the submitted Arboricultural Report prepared by Andrew Day dated May 2019, **no development/works shall commence**, until an updated Arboricultural Method Statement (AMS), including a program for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of methods for installing the proposed fencing on the southern boundary. Thereafter the development shall be implemented fully in accordance with the approved details.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7) **No development shall commence above ground level** until a scheme for the mitigation of internal noise levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures to secure internal sound levels within all habitable rooms to not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms to not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F] max shall not be exceeded on a regular basis (10 times) during night-time (23:00-07:00) within bedrooms. The development shall be carried out in strict accordance with the permitted details prior to the occupation of the development and thereafter the mitigation shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard to the future occupiers of the site from inappropriate levels of noise. This is a pre-commencement condition as it goes to the heart of the permission.

8) **No development above ground level shall commence** until details of the proposed window design, glazing specification and attenuated mechanical ventilation including heat recovery have been submitted to and approved by the Local Planning Authority. The windows of all affected units identified in Section 5.2 and appendix AQ6 of the submitted Air Quality Assessment report prepared by SLR Consulting dated May 2019 and the submitted External Fabric Assessment (Ref: 87416, 6-4-18) revised 11 April 2019 prepared by Noise Solutions Ltd, shall be non-opening. The ventilation system shall be located within the building so as not to cause a noise impact to occupiers. The development shall be carried out in strict accordance with the approved details prior to the occupation of the development. Thereafter, the mechanical ventilation shall be maintained in good working order and the approved windows shall be retained as non-opening in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that indoor air quality will be acceptable for future occupiers and to safeguard to the future occupiers of the site from inappropriate levels of noise.

9) Notwithstanding any details submitted **no development/works shall commence above ground level** 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.

10) **No development shall commence on the Sustainable Urban Drainage System** until full details of the maintenance and management of the SUDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

11) **No development shall commence above ground level** until a strategy outlining details of the sustainable design and construction for all new buildings, including: (1) building for life standards, (2) sustainable building techniques and technology including the Combined Heat and Power (CHP) system (including full details of the savings in carbon compared to Building Regulations minimum), (3) water efficiency measures to achieve higher standards of water efficiency including external water use, (4) how a reduction in the impacts associated with traffic or pollution will be achieved and (5) provision of electric car charging points, 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 and WSCC Guidance on Parking at New Developments. 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.

12) **Prior to the demolition of the existing buildings** on the site a tool box talk shall be given by a suitably qualified ecologist to the contractor(s) carrying out the demolition. During the demolition of the buildings, all features that are suitable for the roosting of bats (including roof tiles, cladding and weather boarding) shall be removed by hand and in the presence of a suitably qualified ecologist. If a bat is found during the course of the demolition all works must stop and Natural England must be consulted.

Reason: In the interests of safeguarding bats.

13) **No part of the development shall be first occupied** until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

14) **Prior to the occupation of the care home**, a scheme for ecological enhancements, including timescales for implementation shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be complied with in full. The scheme of ecological enhancements shall give consideration should be given to the following;

- Any trees removed should be replaced at a ratio of 2:1
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gaps at the bottom of the fences to allow movement of small mammals across the site

Reason: In the interest of conserving and enhancing biodiversity.

15) 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) prior to the first occupation of the development hereby approved the rooflight windows hereby permitted in the **northern** roof plane shall be constructed, in accordance with the submitted plans, with a cill height of not less than 1.7 metres above internal floor height, and shall subsequently be retained in that condition.

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

16) Notwithstanding the indicative landscaping scheme, **the development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. It shall also include details of planting to soften the site frontage and replacement trees on the boundaries. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The 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. The approved scheme 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: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

17) **No part of the development shall be first occupied** until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation and/or recommendations as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

18) **No part of the development shall be first occupied** until covered and secure cycle parking spaces and bin storage have been provided in accordance with the approved plans and details submitted.

Once installed, they shall be maintained in good order in perpetuity for their intended purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to ensure adequate bin storage is provided within the site.

19) No part of the development shall be first occupied until the car parking and turning has been constructed in accordance with the approved site plan 1838/PA/009 Revision A. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

20) The development shall not be occupied until access to the site (vehicular and pedestrian) and associated highway works (including 'KEEP CLEAR' marking on Whyke Road, amendments to corduroy paving and provision of a bollard in the pedestrian-only access and appropriate visibility splays) have been constructed in accordance with drawings 1838/PA/009 Rev. A, 2018-4191-001 Rev. F and 2018/4191/002 Rev. E, including all recommendations in the submitted Road Safety Audits.

Reason: In the interests of road safety.

21) **The development hereby permitted shall not be first occupied** until a 2m high obscure glazed screening panel has been erected on the eastern sides of the first and second floor balconies, of the building hereby permitted, as shown on drawing number 1838/PA/61 Rev. A. The screening panel shall have been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer). The obscure glazed screening panel shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

22) 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 care home shall not be first occupied until the first floor windows and second floor windows on the eastern elevation serving the lounge/diners of the development hereby permitted 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. Unless otherwise agreed in writing by the Local Planning Authority.

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

23) Prior to first occupation of the care home hereby permitted boundaries of any private patios, 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 future occupiers of the site and visual amenity.

24) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any other statutory instrument amending, revoking and re-enacting that Order, the building hereby permitted shall be used as a care home; and for no other purpose (including any other purpose in Class C2; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

25) 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.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) at no time shall any mezzanine floor be inserted into the building hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application and with the policies of the Council, and to safeguard residential amenity.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no alterations to the windows or doors on the southern and western elevations of the care home hereby permitted without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard to the future occupiers of the site from inappropriate levels of noise and air quality.

28) Notwithstanding the GPDO there shall be no external lighting on the development hereby permitted other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of safeguarding biodiversity and the amenities of the area.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN -	1838/PA/004	A	24.07.2019	Approved
PLAN -	1838/PA/009	A	24.07.2019	Approved
PLAN -	1838/PA/010	A	24.07.2019	Approved
PLAN -	1838/PA/020	B	19.11.2019	Approved
PLAN -	1838/PA/021		24.07.2019	Approved
PLAN -	1838/PA/030	A	24.07.2019	Approved
PLAN -	1838/PA/040	A	24.07.2019	Approved
PLAN -	1838/PA/050	A	24.07.2019	Approved
PLAN -	1838/PA/060	B	19.11.2019	Approved
PLAN -	1838/PA/061	A	24.07.2019	Approved
PLAN -	1838/PA/070	A	24.07.2019	Approved
PLAN -	1838/PA/071		24.07.2019	Approved



PLAN -	1838/PA/080		24.07.2019	Approved
PLAN -	1838/PA/081		24.07.2019	Approved
PLAN - Landscape General Arrangement (A1)	816_001	C	17.05.2019	Approved
PLAN - Landscaping Sections (A1)	816_002	B	17.05.2019	Approved
PLAN - Site Location and Block Plan (A3)	1838/PA/001		17.05.2019	Approved
PLAN - Existing Site Plan (A3)	1838/PA/002		17.05.2019	Approved
PLAN - Block Plan - Comparison (A3)	1838/PA/003		17.05.2019	Approved
PLAN - Visibility Splay and Refuse, Turning and Egress (A2)	2018-4191-001	F	17.05.2019	Approved
PLAN - Highways Overview and Private Car Swept Path Analysis (A2)	2018/4191/002	E	17.05.2019	Approved
PLAN - Existing Floor Plans and Elevations - 93 Whyke Rd (A1)	5366-01		17.05.2019	Approved
PLAN - Existing Ground Floor Plan - 94 Whyke Rd Sheet 1 of 3 (A1)	5366-02		17.05.2019	Approved
PLAN - Existing First Floor Plan - 94 Whyke Rd Sheet 2 of 3 (A1)	5366-03		17.05.2019	Approved
PLAN - Existing Elevations 94 Whyke Rd Sheet 3 of 3 (A1)	5366-04		17.05.2019	Approved

## INFORMATIVES

1) The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover works on the highway and any off-site highway works. The applicant should contact The Implementation Team Leader (0330 2225704) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works might be the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

3) The applicant is advised to contact Highways England (and West Sussex County Council) to establish whether a 'Licence to Maintain' (foliage) can be obtained to assist with maintaining visibility on the northbound approach to the proposed vehicular access to the development.

4) 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.

5) The applicant is advised that if required, the erection of temporary directional signage should be agreed with the WSCC Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

6) The applicant is advised that with regards to Condition 5, the applicant should liaise with Southern Water.

7) 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](mailto: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).

8) The applicant is strongly advised to maintain the grassland within the application site at a height of 5cm or less to prevent a suitable habitat for reptiles establishing prior to the commencement of the development hereby permitted. If this is not possible then a precautionary approach should be taken to clearing the site with regards to reptiles when the work commences.

9) Where any of the conditions of this permission requires approval, agreement or acceptance by the Local Planning Authority of any matter detail or plan, the applicant should note that formal written approval will be required, making specific reference to this permission. "Approval" which is not written or is made under legislation other than Town and Country Planning (e.g. Building Regulations) is not sufficient. Where conditions require submission of further details etc before construction commences, or the development is begun, it is essential that you obtain the necessary approval. Failure to do this could invalidate this whole permission.

10) Southern Water requires a Section 106 application under the Water Industry Act required for any new connection to the public sewerage system.

11) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works including relocation of the cyclists dismount sign. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

12) With regards the submission of details pursuant to Condition 11 above, the Local Planning Authority would expect the development hereby permitted to be designed to ensure the consumption of wholesome water by persons occupying the development achieves as close as possible to the requirement of 110l/person/day and does not exceed 9,500l/day cumulatively.

For further information on this application please contact Kayleigh Taylor on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRADEBERKS200>

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Parish: Birdham	Ward: The Witterings
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**BI/19/02122/FUL**

<b>Proposal</b>	Change of use of the land from agricultural to mixture of agricultural and equestrian. Erection of 1 no. building for keeping horses and agricultural equipment and hay storage.		
<b>Site</b>	Broomer Farm Lock Lane Birdham PO20 7AX		
<b>Map Ref</b>	(E) 482806 (N) 100458		
<b>Applicant</b>	Mr D Fynamore	<b>Agent</b>	Matthew Tate

**RECOMMENDATION TO PERMIT**



	<p><b>NOT TO SCALE</b></p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit.

## **2.0 The Site and Surroundings**

- 2.1 The application site is a rectangular section of land measuring roughly 30m x 70m (0.21ha) with an access track to Lock Lane; situated between Broomer Farm, a non-designated heritage asset as defined within the Neighbourhood Plan, with its residential curtilage and a field to the west, and open countryside also within the ownership of the applicant to the east and north. An existing barn/agricultural structure comprising green timber cladding and corrugated roof sits within the south/central part of the site, with 1.8m high green fencing around the perimeter. The site is outside any defined settlement boundary and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB).
- 2.2 A Public Right of Way (PROW), in the form of a footpath, runs adjacent to the existing access track and south western corner of the site. There are no constraints with regards to heritage, flood risk or protected trees, nor are there any site specific ecological designations or records of protected species.

## **3.0 Proposal**

- 3.1 The application seeks planning permission for the change of use of the site from agricultural use to a mixture of agricultural and equestrian, including the erection of a new barn/stable building to be used in association with both uses.
- 3.2 The proposed building comprises a single-storey, pitched roof, timber barn with tiled roof; half of which is open-fronted with the remainder containing 2no double barn/stable doors and enclosed attached smaller sized store with internal access. Approximate measurements are as follows:
- Max length: 24.4m
  - Max width: 7m
  - Eaves height: 2.2m
  - Max ridge height: 4.7m
  - Floor area: 140 sq m

## **4.0 History**

02/00780/PNO	YESPAR	To move a hay shed.
02/01437/AGR	REF	To erect a hay shed.
02/01948/FUL	PER	Erection of hay barn.
07/01688/PD	REC	2m fence
19/00776/FUL	APPRET	Change of use of agricultural land to equestrian use to include the construction of a stable block.

19/01219/FUL WDRWN Erection of 1 no. barn for storage and garaging.

18/00239/CONCOU PLNREC Enforcement Enquiry

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

## 6.0 **Representations and Consultations**

### 6.1 **Parish Council**

Birdham Parish Council objects to this application on the grounds of new build, height, mass and bulk within the AONB.

### 6.2 **Natural England**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

### 6.3 **Chichester Harbour Conservancy**

Chichester Harbour Conservancy Recommendation - No Objection

Suggested considerations:

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms;
- the use of the storage barn shall be used for the storage of farm and grounds maintenance equipment and vehicles related to the farm small holding of Broomer Farm and for the storage of hay, straw and any field crop taken off the land holding together with the stabling of horses connected with the field within the red-line application site only, and shall not be used for any storage unrelated to the farm holding or the horse paddock identified within the red-line site to which the building relates;
- the storage barn shall remain ancillary to the host dwelling on the site and shall not to be enclosed or separated into an independent dwelling unit or for tourist accommodation thereby generating the requirement for an additional replacement storage building.

Given the setting, the proposal is not considered to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB) or harmful in relation to wildlife conservation and protection.

#### 6.4 Third Party Representations

No third party comments have been received.

#### 7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans.

##### Chichester Local Plan: Key Policies 2014-2029

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 & Settlement Hierarchy
- Policy 40: Sustainable Design & Construction
- Policy 43: Chi Harbour AONB
- Policy 45: Development in the Countryside
- Policy 47: Heritage & Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 55: Equestrian Development

##### National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019.

7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

*"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."*

*"...For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*



7.5 Section 4 (Decision making), Section 12 (Achieving well designed places) and Section 15 (Conserving and enhancing the natural environment) should also be considered generally.

#### Neighbourhood Plan

7.6 The following policies are relevant from the Birdham Neighbourhood Plan 2014-2029:

- Policy 1 - Heritage Assets and Their Settings
- Policy 4 - Landscape Character and Important Views
- Policy 5 - Light Pollution
- Policy 10 - Footpaths & Cycle Paths

7.7 Other Local Policy and Guidance

- The Chichester Harbour AONB Joint SPD 2017
- The Chichester Harbour Management Plan 2019-2024
- The Chichester Harbour Planning Principles 2019

7.8 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:

- Maintain low levels of unemployment in the district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

8.1 The main considerations are as follows:

- i) Principle of equestrian development
- ii) Design, scale, character and impact on the AONB and countryside
- iii) Amenity of neighbouring properties
- iv) Ecology and biodiversity
- v) Other matters and material considerations

i) Principle of equestrian development

8.2 The site is within the designated countryside, whereby Local Plan Policy 45 is applicable and requires development within the countryside to require a rural location, be close to existing rural development or farmstead, and respect the rural character and landscape. It is established that equestrian development does require a countryside location, and the application site is a field and area of hardstanding/gravel immediately adjacent to the applicant's residential property and agricultural fields, and containing an existing agricultural/hay storage building.

- 8.3 Local Plan Policy 55 relates to equestrian development specifically, and requires horse-related development to, among other things, comprise an adequate size of land; for any new buildings to be well-related to existing buildings, grazing land and bridleways; have minimal landscape impact; not result in the irreversible loss of the best agricultural land; and not require additional housing. The proposal would not result in the irreversible loss of agricultural land given the proposed retained, albeit mixed agricultural use. Furthermore, only a small section of field forms part of the application site, which would be retained as paddock land, with the remainder being existing hardstanding. The site and proposed building are also well related to the adjacent house, paddock and fields, and PROW network.
- 8.4 The proposal would therefore comply with all the criteria of Policy 55, and given the overall small scale of the change of use, and retained mixed agricultural/equestrian use, the proposal is considered to be acceptable in principle and in accordance with Local Plan Policies 45 and 55, subject to assessment of other development plan policies and material considerations; in particular design and landscape impact.
- ii) Design, scale, character and impact on the AONB and countryside
- 8.5 Local Plan Policies 43, 45, 47 and 48 relate to design and development within rural areas and the AONB, and require design to be: of high quality, respect the rural and tranquil character of the area, respect existing natural landscapes, and not lead to coalescence of settlements or undermine the integrity of predominantly open and undeveloped land. Additional local documents in the form of the AONB SPD, Management Plan and Planning Principles also provide guidance on suitable development and considerations within the AONB.
- 8.6 The application proposes the erection of an additional building of barn/stable appearance. The building is considered to be of high-quality and sympathetic design and would employ a materials palette comprising traditional materials such as timber and tiled roof; deemed appropriate within its rural and AONB context, in accordance with local guidance. With regards to scale and massing, the proposed building would be no taller than the existing building within the site, which is used for similar purposes, with the design also ensuring that elements of the structure are significantly lower. Use of pitched and cat-slide roofs, a set-back side element, and open frontage of half of the building further aid in the reduction of massing and bulk. Siting is also important and appears to have been carefully considered, with the proposed building being located behind the existing taller structure and having a close physical relationship to it and other buildings within the immediate surroundings, while adequate distance from the locally designated heritage asset of Broomer Farm House so as to not impact upon its setting. Furthermore, the site is well-screened by vegetation and fencing, and neither the existing building nor the proposed building are readily visible from public view, from within the AONB or countryside outside the site, or from the adjacent PROW. The Chichester Harbour Conservancy (CCHC) has considered the scheme in detail, including visiting the site, and has assessed the proposed development as being appropriate, subject to condition requiring specific details and samples of materials.

8.7 No changes are proposed to the remainder of the site, and the change of use itself would not materially impact upon the character of the area. The proposal is therefore considered to be of an acceptable scale, form and design, would not be to the detriment of the surrounding AONB, countryside or public viewpoints such as the PROW, and would accord with Local Plan Policies 43, 45, 47 and 48, Neighbourhood Plan Policies 1 and 4, local AONB guidance documents and Sections 12 and 15 of the NPPF.

iii) Amenity of neighbouring properties

8.8 Given the separation distance from neighbouring properties and siting of the proposed building within the centre of the land under the applicant's ownership, there are not considered to be any significant impacts on the amenity of neighbours. Additionally, the change of use from solely agricultural to a mixture of agricultural and equestrian is not considered to materially change the site with regards to operations, machinery, traffic, appearance or intensification; thus preserving the amenity of the surrounding area.

iv) Ecology and biodiversity

8.9 The site is an existing area of predominantly semi-hardstanding and gravel, and the proposal is limited to the erection of a new structure within this area and the use of the remaining semi-kept grass area immediately to the north for grazing of horses and/or retained agricultural purposes. Providing there is no external lighting on the proposed building or within the site, there are not considered to be any implications for biodiversity or protected species such as bats. A condition is recommended requiring details of any external lighting to be approved in order to remain sensitive to protected species such as bats and barn owls, as well as preserving the rural character of the area, in accordance with Local Plan Policy 49 and Neighbourhood Plan Policy 5.

v) Other matters and material considerations

8.10 There are not considered to be any significant implications with regards to flood risk, drainage or highways; owing to the siting within Flood Zone 1 and no change to the access or material change in transport movements or parking requirements.

8.11 Another consideration for equestrian related development is to assess whether the site is adequate in terms of its size and quality for the purposes of animal welfare. It is understood that the land immediately to the north is proposed as equestrian-specific paddock land and, through the proposed change of use, could therefore accommodate feed, exercise equipment and associated equestrian paraphernalia. Although not up to the recommended minimum size of land for 1-2 horses, which is deemed the likely amount given the proposed stable size, there is however ample grassland surrounding the site which can be used for the grazing and natural exercise of horses without a material change of use of the land. Therefore, the quality and size of land for 1-2, or in fact a greater number of horses, is considered acceptable and in accordance with BHS guidance.

8.12 Comments raised by the Parish Council and CCHC have been addressed within the above sections. A condition is recommended controlling the use of the site/building, as suggested. No other third party comments or consultee objections have been received, and there are not considered to be any other material consideration which would outweigh the recommendation.

## **9.0 Conclusion**

9.1 The proposed mixed change of use is considered acceptable in principle, a suitable location for part equestrian use, and would not result in the irreversible loss of agricultural land. The proposed agricultural/equestrian building is viewed as being of high-quality design and appropriate scale, mass and appearance; sensitive to the surrounding rural and special landscape areas, and the scheme is deemed acceptable in all other regards; thus is in accordance with the Local Development Plan, guidance and national principles.

### Human rights

9.2 In reaching this conclusion, the human rights of the applicants and nearby occupiers have been taken into account and it is deemed 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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) Notwithstanding the approved plans and details, no building works shall commence in relation to the agricultural/equestrian building hereby permitted until details and samples of elevation and roof materials and finishes have been submitted to and approved in writing by the Local Planning Authority. Once agreed, the development shall be carried out in accordance with the approved details

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments, and to preserve the special and rural character of the AONB and countryside.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the building hereby permitted and associated land subject to this application shall only be used for equestrian and agricultural purposes, including the storage of equestrian and agricultural equipment, storage of hay/feed/bedding, and keeping of animals in association with the site known as Broomer Farm. At no time shall the building or site be used for a commercial equestrian enterprise including livery or riding lessons.

Reason: To comply with the terms of the application, in the interests of local amenity and to control development within the site.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external illumination on the building hereby permitted or the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the location, design, level of luminance and measures to prevent light spillage. Thereafter the lights shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the character of the surrounding rural area and AONB, and the movement of wildlife around the site and its surroundings; in particular protected bats.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location, Block Plans, Proposed Elevations and Floor Plans	01	G	21.08.2019	Approved

## 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](mailto: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 James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWLCFYERGYH00>

**Chichester District Council**

**Planning Committee**

**04 December 2019**

**West Sussex County Council – Guidance on Parking at New Developments August 2019**

**1. Contacts**

**Report Author:**

Steve Harris, Senior Planning Officer (Majors and Business)

Tel: 01243 534566 E-mail: [sharris@chichester.gov.uk](mailto:sharris@chichester.gov.uk)

**2. Recommendation**

- 2.1. That the Committee notes the introduction of the new ‘WSCC Guidance on Parking at New Developments August 2019’ and that, in accordance with Local Plan Policy 39, the guidance will be used by the Council in determining all planning applications.**

**3. Introduction and Policy Background**

- 3.1. In July 2019 West Sussex County Council (WSCC), the local highway authority for Chichester District, adopted new guidance for use in its role as a statutory consultee on planning applications that affect the highway. The guidance - ‘WSCC Guidance on Parking at New Developments August 2019’ - was prepared in consultation with all West Sussex local authorities and replaces previous guidance on residential and non-residential developments dating from 2010 and 2003 respectively. The superseded guidance was previously adopted by CDC for Development Management purposes.
- 3.2. The guidance has been updated to accord with changes in national planning policy and also to reflect the County Council’s “...overall ambition for parking at new developments ... to ensure that sufficient parking is provided to meet the needs of the development while maintaining highway network operations, protecting surrounding communities and pursuing opportunities to encourage use of sustainable modes of transport.”
- 3.3. The guidance acknowledges that individual authorities may have adopted their own planning policies or supplementary planning documents relating to parking provision, and explains how WSCC will respond to development proposals in those cases.
- 3.4. In the case of Chichester District, Local Plan Policy 39 (Transport, Access and Communications) requires that “*The level of car parking provision [for new developments] should be in accordance with current West Sussex County Council guidance.*” The policy is therefore predicated on the assumption that any updated guidance will be applied to developments in the District if and when it comes forward during the plan period.

## 4. The Content of the Guidance

- 4.1. The guidance is set out in the form of *Guiding Principles and Overarching Guidance*. With a few notable exceptions the guidance broadly follows WSCC's previous approach. The following sections of this report briefly review the principal elements of the guidance, with emphasis on those areas where it has changed materially.

### Accommodating Parking Demand

- 4.2. The guidance states that parking provision should be sufficient to accommodate parking demand while exploiting the potential for sustainable travel, minimising adverse effects on road safety and avoiding increased on-street parking demand.
- 4.3. If the parking demand of a development is unlikely to be met on site, then it will be necessary to demonstrate through a parking survey that there is sufficient nearby on-street capacity to safely and satisfactorily accommodate any unmet demand.
- 4.4. In a simplification of the previous guidance, **residential parking demand** is based on the application of five Parking Behaviour Zones (PBZs) which, in turn, are based on a ward-by ward analysis of both car ownership and census data. PBZ 1 reflects a relatively high predicted demand (e.g. 1.5 spaces per 1 bedroom dwelling), whereas PBZ 5 reflects a relatively low demand (e.g. 0.6 spaces per 1 bedroom dwelling). In Chichester District - Chichester City is divided into 4 PBZs (2 in PBZ3 and 2 in PBZ5); Donnington, Tangmere, Fishbourne, Southbourne and Midhurst are categorised as PBZ2; the rest of the District, including Selsey, is within PBZ1. Developers can calculate their parking demand using an online calculator tool.
- 4.5. In a change to the previous guidance, residential garages are now to be counted as 0.5 of an allocated parking space. Garages should have minimum internal dimensions of 6.0m x 3.0m.
- 4.6. The previous guidance in respect of **non-residential parking demand** has been significantly simplified to reflect a shift in central government policy and the more widespread adoption of flexible working practices. The guidance emphasises the need to take local circumstances into account.
- 4.7. The non-residential element of the guidance includes 'initial guidance' on vehicular and cycle demand for the principal Use Classes but emphasises that it should only be used as a starting point for developers who should "*undertake a site-specific assessment and seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting/retaining staff.*"
- 4.8. Reductions in parking demand for both residential and non-residential developments may be accepted where applicants can provide a justification in terms of the use of measures such as travel plans, public transport contributions and other sustainable travel initiatives.



### Electric Vehicle Charging Infrastructure

- 4.9. 'Active' charging points for electric vehicles should be provided at a minimum rate of 20% of all parking spaces, with ducting provided at all remaining spaces, where appropriate, to provide 'passive' provision for these spaces in order that they can be upgraded in future. The guidance allows for the predicted increase in the sale of electric vehicles over time and, accordingly, recommends a progressive increase in the percentage of active charging point provision that is sought. In 2019 this equates to 24% of all spaces being equipped with 'active' charging points, rising to a maximum of 70% in 2030.
- 4.10. Due to the unprecedented scale of change in vehicle manufacturing and sales, the guidance in respect of electric vehicle car parking places should be reassessed when local plans and supplementary planning documents are reviewed in order to take account of any recent developments in this technology.
- 4.11. No specific guidance on the design of charging points is provided given that technology in this respect is evolving so rapidly.

### Sustainable Transport

- 4.12. The previous guidance in respect limiting car ownership in some locations, where the use of sustainable transport measures can realistically be secured, is maintained.

### Traffic Regulation Orders

- 4.13. The guidance acknowledges that in the case of some development proposals, in order to make them acceptable from a highway point of view it may be necessary to regulate on-street parking to manage or mitigate their highway impacts. In a change to the previous guidance it is acknowledged that, prior to the determination of an application, *'it may be necessary to undertake consultation on [prospective] TROs to establish the principle of any changes before this can be relied upon.'*

### Design Considerations

- 4.14. The guidance emphasises the need for car and cycle parking to be designed and laid-out appropriately, and signposts the various national guidance in this respect.

### Sustainable Drainage

- 4.15. Parking areas should adopt a SUDS approach, following the established hierarchy of - discharge to ground→discharge to a surface water body→discharge to a surface water sewer.

### Provision for Disabled Persons

- 4.16. Disabled persons' parking spaces should be provided at a rate of 5% of all spaces. Lower provision may be accepted where this can be justified, although a

minimum of 1 space should generally be provided. Spaces should be suitably designed and appropriately located.

## **5. Conclusion**

- 5.1. The latest guidance reflects WSCC's experience of implementing the previous guidance, builds on established good practice and responds to changes in national policy relating to parking provision and design.
- 5.2. As noted above, Local Plan Policy 39 confirms that developments coming forward during the plan period will be expected to meet to the current WSCC parking guidance. Accordingly, there is no need for the Council to formally adopt the new guidance.
- 5.3. The Committee is, therefore, requested to note the content of the revised guidance which, where relevant, will be applied to all undetermined planning applications.

## **6. Background Papers**

- 6.1. WSCC Guidance on Parking at New Developments August 2019

## Chichester District Council

### Planning Committee

**Wednesday 04 December 2019**

#### Report of the Director Of Planning and Environment Services

#### Schedule of Planning Appeals, Court and Policy Matters

**Between 17-Oct-2019 and 19-Nov-2019**

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

**Note for public viewing via Chichester District Council web site** To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

\* - Committee level decision.

#### 1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<a href="#"><u>18/02204/ELD</u></a> Birdham Parish  Case Officer: Dan Power  <b>Written Representation</b>	Kellys Farm Bell Lane Birdham PO20 7HY - Erection of a building and use as a dwellinghouse
<a href="#"><u>17/00011/CONBC</u></a> Funtington Parish  Case Officer: Tara Lang  <b>Informal Hearing</b>	Land South Of The Stables Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/71

Reference/Procedure	Proposal
<p data-bbox="197 228 555 300"><u>17/00104/CONBC</u> Plaistow And Ifold Parish</p> <p data-bbox="197 362 555 398">Case Officer: Sue Payne</p> <p data-bbox="197 461 555 497"><b>Written Representation</b></p>	<p data-bbox="638 228 1423 300">Burgau Barn Plaistow Road Ifold Loxwood Billingshurst West Sussex RH14 0TZ - Appeal against</p>
<p data-bbox="197 564 555 636"><u>18/01685/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="197 698 555 734">Case Officer: James Gellini</p> <p data-bbox="197 797 555 833"><b>Written Representation</b></p>	<p data-bbox="638 564 1423 636">Burgau Barn Plaistow Road Ifold Loxwood RH14 0TZ - Retrospective single storey side extension.</p>
<p data-bbox="197 900 555 972"><u>19/00716/DOM</u> Plaistow And Ifold Parish</p> <p data-bbox="197 1034 555 1070">Case Officer: James Gellini</p> <p data-bbox="197 1133 555 1169"><b>Householder Appeal</b></p>	<p data-bbox="638 900 1423 972">Sunnydene The Drive Ifold Loxwood RH14 0TE - Retrospective replacement hedge, fencing and gates.</p>

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<p><a href="#">18/03320/FUL</a> Chichester Parish</p> <p>Case Officer: Robert Sims</p> <p><b>Written Representation</b></p>	<p>23 Lavant Road Chichester PO19 5RA - Redevelopment of the site with a terrace of 2 no. 4-bed and 2 no. 3-bed dwellings, parking, landscaping and associated works.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>“...The appeal proposal would replace a generous detached building with an oppressive, dominant development that would stretch almost the entire width of the site and significantly erode its open character. ... The cramped, highly contrived layout of the proposal would be entirely out of place with the generous detached, carefully spaced properties that create the fundamental residential character of this area. Whilst there are larger developments within the immediate and wider area, these developments do not justify a proposal that would be so detrimental to the character of this individual site and to the wider character of the area. Moreover, a number of the more substantial developments have been sympathetically landscaped to ensure a more gentle impact on the street. The scale and mass of the building proposed would leave very little space for a positive landscaping scheme and as such the harm of the overall building could not be mitigated. ... “</p>	
<p><a href="#">19/00767/DOM</a> Chichester Parish</p> <p>Case Officer: William Price</p> <p><b>Written Representation</b></p>	<p>8 Parchment Street Chichester PO19 3DA - Erection of single storey rear extension.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>“...The layout would place the gutter and eaves of the addition in close proximity but above the flint boundary wall and would detract from the expression of that wall as a boundary. The long roof plane would appear out of balance with the roof forms of the houses and the insertion of rooflights would draw attention to the bulk of the addition and introduce a discordant feature on the listed building and within the conservation area. Turning to the risk identified by the Council of the new north-east wall damaging the flint boundary wall, the details are lacking and although conditions could be used to require clarification, it is not possible to be certain what those details may be and the extent that they might visually affect the presentation of the wall or physically harm its integrity....However, the harm identified by the presence of the roof as designed so close to the wall and being a discordant feature together with the rooflights mean that resolution of the finer detail of the wall-to-roof junction would not overcome the other failings. The design of the addition would cause harm to the significance of the listed building and in this highly visible location would fail to preserve either the character or the appearance of the Chichester Conservation Area. ...”</p>	

Reference/Procedure	Proposal
<p data-bbox="197 230 453 297"><a href="#">19/00768/LBC</a> Chichester Parish</p> <p data-bbox="197 365 580 398">Case Officer: William Price</p> <p data-bbox="197 461 552 495"><b>Written Representation</b></p>	<p data-bbox="638 230 1423 297">8 Parchment Street Chichester PO19 3DA - Erection of single storey rear extension.</p>
<p data-bbox="552 526 1139 560"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="181 566 1487 1104">“... The layout would place the gutter and eaves of the addition in close proximity but above the flint boundary wall and would detract from the expression of that wall as a boundary. The long roof plane would appear out of balance with the roof forms of the houses and the insertion of rooflights would draw attention to the bulk of the addition and introduce a discordant feature on the listed building and within the conservation area. Turning to the risk identified by the Council of the new north-east wall damaging the flint boundary wall. The details are lacking and although conditions could be used to require clarification, it is not possible to be certain what those details may be and the extent that they might visually affect the presentation of the wall or physically harm its integrity. ... However, the harm identified by the presence of the roof as designed so close to the wall and being a discordant feature together with the rooflights mean that resolution of the finer detail of the wall-to-roof junction would not overcome the failings. The design of the addition would cause harm to the significance of the listed building and in this highly visible location would fail to preserve either the character or the appearance of the Chichester Conservation Area. ..”</p>	
<p data-bbox="197 1155 464 1223"><a href="#">18/03126/FUL</a> Donnington Parish</p> <p data-bbox="197 1290 572 1323">Case Officer: Robert Sims</p> <p data-bbox="197 1386 552 1420"><b>Written Representation</b></p>	<p data-bbox="638 1155 1437 1223">Louene 34 Birdham Road Donnington PO19 8TD - 1 no. dwelling and associated work.</p>
<p data-bbox="560 1447 1131 1480"><b>Appeal Decision: APPEAL ALLOWED</b></p>	
<p data-bbox="181 1487 1503 2024">“...In policy terms, the site lies within designated countryside, outside of the Settlement Boundary for Chichester. This boundary lies a short distance (approximately 25 m at its closest point) to the east. ... The proposal is for an open market dwelling. There is no suggestion that such development requires a countryside location, or that it is specifically intended to meet an essential local rural need. There would therefore be conflict with CLP Policies 2 and 45 and the spatial strategy of the local plan. A grant of planning permission would only be justified where material considerations indicate that a decision should be made otherwise than in accordance with the development plan. ... I conclude that there would be no material harm to the character or appearance of the area. There would be no conflict with CLP Policies 33, 45 and 48, insofar as these seek to promote highest standards of design which have regard to the character of the surrounding area and the local context. ... The site is served by a footway which provides pedestrian access to the parish hall, a small supermarket and employment opportunities within a local business park. There are bus stops nearby, from which frequent services operate to the Witterings and Chichester. The railway station is on the bus route but is also within cycle range. Therefore, I find that</p>	

Reference/Procedure	Proposal
<b>Appeal Decision: APPEAL ALLOWED - Continued</b>	
<p>the site is sustainably located in relation to the services and facilities of Stockbridge and Chichester as a whole. ... Although the proposal's contribution to overall housing supply would be modest, it would nonetheless be beneficial. The weight that I attach to this consideration is increased greatly by the fact that the site is previously developed land, well related to the settlement and in a sustainable location. ... The planning system is plan led; the Framework makes clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. However, the particular circumstances of this case are such that there are material considerations to outweigh the policy conflict arising from the location of the site outside of the settlement boundary. The proposal would constitute sustainable development, and this justifies a grant of planning permission."</p>	
<p><a href="#">18/00402/FUL</a> Funtington Parish</p> <p>Case Officer: Caitlin Boddy</p> <p><b>Public Inquiry</b></p>	<p>Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayrooms ancillary to that use.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>"...The appeal is allowed ... The criteria by which sites will be assessed predate the publication of the PPTS and have some divergence from it. ... Policy 36 is not therefore wholly consistent with the PPTS. In any event, because the Council cannot demonstrate a 5 year supply of deliverable sites it is difficult to reach any conclusion other than that this policy is out of date. ... The area has no designation and has no features which set it aside from the ordinary such that it can be regarded as a valued landscape. ... my observations led me to conclude that the loss of tranquility resulting from the noise and proximity of the A27 to the south has a greater influence on the character of the area than the presence of traveller sites. I consider that the locality has no more than a moderate sensitivity to change. ... PPTS recognises that it will not always be possible to accommodate traveller sites within or on the edge of settlements. It is clear that sites away from existing settlements are to be strictly limited, but the definition of what might be 'away' is lacking. It is a matter of judgement. In this case the proximity of West Ashling (which I deal with more fully below) means that this site cannot be regarded as being away from an existing settlement for the purposes of PPTS. I am satisfied that the impact on the character of the area would be limited. ... In visual terms the site is well screened and this could be augmented by landscaping. The imposition of appropriate conditions would assist in assimilating the site into its surroundings. I am therefore satisfied that the proposed development would not be unacceptably harmful to the character or appearance of the</p>	

Reference/Procedure	Proposal
<b>Appeal Decision: APPEAL ALLOWED - Continued</b>	
<p>locality. ... There are of course many factors which would define a community but I note in particular that West Ashling has a school, village hall and pub. It seems reasonable to me to suggest that site residents would normally look towards West Ashling as the community hub. There are no paved footways leading towards either Hambrook or Funtington from the vicinity of the site. The likelihood of these 2 settlements being perceived as part of the settled community are therefore diminished. ... Taking the scattered dwellings identified to the north of the A27, adding to them Edith Cottages and at least the western part of West Ashling, the settled community can therefore be seen to be relatively extensive both in numerical terms and in area. The pitches to be provided on the appeal site would be of minor significance however assessed. There would be a relatively modest number of residents and in my judgement this addition to the locality would not dominate the settled community. ... it would be possible to impose a condition to ensure that any drainage facilities and water treatment on site does not compromise water quality. ... I am satisfied that the proposed development would not be harmful to highway safety. ... Refusal of the proposal would interfere with their Article 8 rights. I do not accept that because they are not currently resident on the site those rights should not be considered. The best interests of the children are a primary consideration and the provision of a stable home for spending time with their respective parents is a matter of agreed importance. Interference with their human rights would not be proportionate, with particular reference to the best interests of those children. ... I have determined above that the most important policy in play, Policy 36, is out of date and not wholly consistent with the NPPF. Any conflict with it must attract limited weight. But in this case I find no conflict with it in any event. The proposal also accords with the principles espoused in Policies 45 and 48. There is limited conflict with Policy 2 as I set out above. Taken together I am satisfied that the proposed development accords with the development plan as a whole and can therefore be regarded as sustainable development. It is not necessary in these circumstances to invoke the tilted balance even though the most important policy for determining the appeal is out of date. Had I done so the result would have been the same since any adverse impacts would not clearly and demonstrably outweigh the benefits of the proposal. ...”</p>	



Reference/Procedure	Proposal
<p data-bbox="197 230 400 300"><a href="#">18/03326/FUL</a> Selsey Parish</p> <p data-bbox="197 365 571 398">Case Officer: Robert Sims</p> <p data-bbox="197 461 552 495"><b>Written Representation</b></p>	<p data-bbox="638 230 1485 412">17-19 Seal Road Selsey PO20 0HW - Alterations and conversion of main property into 7 no. flats and alterations and conversion of the former owners accommodation into a self contained bungalow with associated access, parking, bin and cycle storage.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p data-bbox="181 566 1493 1028">“The proposal would extend the main building at two storey height across the rear. This would introduce two new first floor windows and continuing the ridge height of the highest part of the roof. This substantially extended two storey height would be approximately 10m from the front elevation of the existing bungalow and for its full width..... This height, extent and proximity would have a significant overbearing impact on the future occupants of the bungalow despite the roof slope away from the bungalow. The significant scale of the proposal compared to the modest single storey nature of the bungalow would also be visually oppressive and have a significant enclosing effect.....This overall design would direct all outlook from the living spaces of the unit into the front of the bungalow. This would be from an elevated position. Given the distances, elevation, size of the windows and use of the rooms within the main building this would produce a significant level of overlooking.....the proposal would result in harm to the living conditions of future occupiers of the bungalow.”□</p>	
<p data-bbox="181 1077 448 1146">* <a href="#">18/02925/FUL</a> Sidlesham Parish</p> <p data-bbox="197 1211 475 1281">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1308 552 1341"><b>Written Representation</b></p>	<p data-bbox="638 1077 1481 1189">Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex - Proposed private stable block and associated hard standing. New access to the highway.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p data-bbox="197 1411 1485 2020">“ The appeal is allowed, and planning permission is granted for proposed private stable block and associated hardstanding. ... The appeal results from the Council’s failure to determine the application within the prescribed period. No formal decision on the application has been made, as jurisdiction was transferred from the Local Planning Authority once the appeal was formally accepted by the Inspectorate. The application was however referred to the Chichester District Planning Committee, who resolved not to contest the appeal. ... The main issue is the effect of the proposal on the character and appearance of the area. ... The proposal would be sited within proximity to the telephone exchange building and other residential properties located on the western side of Selsey Road which, it is considered that the scale and design of the proposed building would not detract from the character and appearance of the surrounding area. ... The stables would however be constructed at some distance away from the Grade II Listed Building. No concerns have been raised by the Council in that particular regards, and I see no justification to disagree with that approach. ... The local Highway Authority is satisfied that the development would not unacceptably prejudice highway safety, and there are no reasons for me to take a different view. ... The site lies within an area of low risk of river flooding and is not exposed to risks of pluvial flooding, but the FRA nevertheless</p>	

Reference/Procedure	Proposal
<b>Appeal Decision: APPEAL ALLOWED - Continued</b>	
<p>indicates that the site is at Medium risk of groundwater flooding. Therefore, ground investigations would be required to determine the wider groundwater level and the soil permeability. This can be secured by a suitably worded condition. ... Conditions requiring further details of materials, boundary treatments, soft and hard landscaping are considered necessary to safeguard the character and appearance of the area. Conditions relating to renewable energy sources and hard surfacing are considered necessary in the interests of sustainability, and to prevent unacceptable levels of water run-off. ... A condition requiring the submission of a scheme for the disposal of waste is also attached to prevent pollution, which should include a preclusion of the burning of waste on site. ... To protect the living conditions of neighbouring residents, I shall impose conditions restricting the use of the site and external lighting within the plot. It is also necessary to attach a condition which would provide a mechanism to deal with potential contamination to preserve the environment and the health and safety of future occupiers. ...”</p>	
<p><a href="#"><u>18/02976/FUL</u></a> Southbourne Parish</p> <p>Case Officer: Robert Sims</p> <p><b>Written Representation</b></p>	<p>Lumley Mill Lumley Road Southbourne PO10 8AQ - Proposed 1 no. dwelling and garage on foundations of the Old Mill.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“...The appeal site comprises a grassed area which lies in an area of countryside with a few scattered houses to the south of the A27 and to the north of a railway line and the village of Hermitage. ... The appellants stress that the proposal seeks to enhance the setting of Mill House by replacing an old building which was the sole reason why the settlement was established. However, it appears to me from all of the evidence provided that while the Mill House, the Old Mill and malthouse had the historical significance of a functional group, this significance was fundamentally changed some 90 years ago with the demolition of the Old Mill and malthouse. It is significant that at the time</p>	

**Appeal Decision: APPEAL DISMISSED - continued**

that Lumley Mill was listed in 1972, the appeal site appears to have been free from buildings and the space would have been likely to have contributed to the open setting of Lumley Mill and its appreciation, particularly from the public right of way which adjoins the appeal site. ... Therefore, at best, the proposal only seeks to re-establish a relatively minor part of the collection of the historical components which formed the mill complex some time ago. I share the Council's concern that the actual design of the building proposed has a lovely domestic form. The loss of the open area would now significantly harm the setting of Lumley Mill itself as would the form of the design of the new building put forward. The proposal would significantly harm and not conserve or enhance the setting of this listed building. Great weight has to be placed on this finding. I have found that while the effect on protected species on site can be dealt with by a condition, the effect on the wider habitat of the CLHSPA has not been resolved. ... It has not been shown that the development is necessary to achieve substantial public benefits that outweigh the identified harm. I conclude that the other considerations do not clearly outweigh the conflict with the development plan and conflict with the guidance in the NPPF over the conservation of the heritage asset. ... "

[18/03234/FUL](#)

West Wittering Parish

Case Officer: Caitlin Boddy

**Written Representation**

Edelsten Cottage 2 Marine Drive West Wittering PO20 8HE - Demolition of single dwelling house and construction of development comprising 4 no. 2-bed flats, new access and associated works.

**Appeal Decision: APPEAL DISMISSED**

"...The proposal would step forward of the existing building line and extend significantly to the rear. This would result in a building of significant scale and bulk despite maintaining a crown roof design. It would also extend significantly above the main roof height of the neighbouring flat roof frontage building to the east. This height, scale and massing would be harmfully incongruous within the limited height of the surroundings buildings. This would be exacerbated by the positioning in front of the neighbouring property making the proposal even more prominent in the streetscene. ...the increase in height above the neighbouring frontage building would result in a building out of scale within the street and harmfully at odds with the general scaling down of buildings towards the adjacent open space. Further emphasis would be drawn to this height by the irregular spacing and positioning of the proposed roof windows. ...the positioning of the proposal to the front of the site and the cluster of trees screening part of the site means that the proposal will be seen more in the context of the lower scale Marine Drive and it would appear harmful to this character. The proposal would therefore harm the character and appearance of the area. ... there is no substantive evidence before me to demonstrate that protected species are not active in the area or that the building is not suitable to support species. ... I am unable to conclude that the proposal would not result in harm to the biodiversity value of the site or specifically protected species. ... "

Reference/Procedure	Proposal
<p data-bbox="197 228 414 264"><a href="#">18/02630/DOC</a></p> <p data-bbox="197 266 472 297">Westbourne Parish</p> <p data-bbox="197 365 612 396">Case Officer: Calum Thomas</p> <p data-bbox="197 459 552 495"><b>Written Representation</b></p>	<p data-bbox="635 228 1452 336">Westbourne House North Street Westbourne Emsworth West Sussex PO10 8SN - Discharge of condition 3 and 4 from planning permission WE/17/02789/LBC.</p> <p data-bbox="651 378 1005 414">Linked to <a href="#">18/02631/DOC</a></p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p data-bbox="181 551 1487 1021">“...I allow the appeal and approve the details of windows and glazing submitted attached to the planning permission for change of use of stables and outbuildings to storage, home office and artist’s studio, Ref WE/17/02788/DOM. ... In both appeals the main issue is the effect of the proposals on the architectural or historic significance of the Grade II* Listed Building and the character and appearance of the Westbourne Conservation Area. ... within the curtilage of the listed Westbourne House..... the architecturally most sensitive windows (WG02, WG03 and WG04 again) would not be double-glazed, while WG01 is of limited significance and would, along with WG05 and WF01 be new frames in any event. ... the use of slim-profile double-glazed units would not cause harm, although allowing the use of the building and the upgrading of its thermal performance adds weight to the finding that the window details as submitted pursuant to Condition 3) are acceptable, preserve the significance of the Grade II* listed building and the character and appearance of the Westbourne Conservation Area. ...”</p>	

Reference/Procedure	Proposal
<p data-bbox="197 230 416 264"><a href="#">18/02631/DOC</a></p> <p data-bbox="197 266 472 300">Westbourne Parish</p> <p data-bbox="197 365 616 398">Case Officer: Calum Thomas</p> <p data-bbox="197 459 552 492"><b>Written Representation</b></p>	<p data-bbox="635 230 1453 338">Westbourne House North Street Westbourne Emsworth West Sussex PO10 8SN - Discharge of condition 3 and 4 from planning permission WE/17/02788/DOM.</p> <p data-bbox="651 421 1007 454">Linked to <a href="#">18/02630/DOC</a></p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
As Above	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>17/00061/CONENG</u> Birdham Parish</p> <p>Case Officer: Emma Kierans</p> <p><b>Written Representation</b></p>	<p>Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex - Appeal against BI/40</p>
<p><u>19/00046/CONCOU</u> Birdham Parish</p> <p>Case Officer: Steven Pattie</p> <p><b>Written Representation</b></p>	<p>Kellys Farm Bell Lane Birdham Chichester West Sussex PO20 7HY - Appeal against BI/46</p>
<p><u>19/00196/FUL</u> Bosham Parish</p> <p>Case Officer: Dan Power</p> <p><b>Written Representation</b></p>	<p>By-The-Brook Bosham Lane Bosham PO18 8HG - Demolish 1 no. existing dwelling and erect 2 no. 2 bed dwellings and 1 no. 3 bed dwelling.</p>
<p><u>19/00350/LBC</u> Donnington Parish</p> <p>Case Officer: Maria Tomlinson</p> <p><b>Written Representation</b></p>	<p>Hardings Farm Selsey Road Donnington Chichester West Sussex PO20 7PU - Replacement of 8 no. windows to North, East and South Elevations (like for like).</p>
<p><u>19/01036/OUT</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p><b>Written Representation</b></p>	<p>Land To North Of 20 Wessex Avenue East Wittering Chichester West Sussex PO20 8NP - Outline planning application some matters reserved (access) - Erection of 1 no bungalow.</p>

Reference/Procedure	Proposal
<p><u>18/00323/CONHI</u> Funtington Parish</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p><u>18/00187/CONMHC</u> North Mundham Parish</p> <p>Case Officer: Tara Lang</p> <p><b>Written Representation</b></p>	<p>Fisher Granary Fisher Lane South Mundham Chichester West Sussex PO20 1ND - Appeal against NM/29</p> <p>Linked to <u>19/00405/FUL</u></p>
<p><u>19/00405/FUL</u> North Mundham Parish</p> <p>Case Officer: Dan Power</p> <p><b>Written Representation</b></p>	<p>Fisher Granary Fisher Lane South Mundham PO20 1ND - Use of land for the stationing of a caravan for use as a holiday let.</p> <p>Linked to <u>18/00187/CONMHC</u></p>
<p><u>19/00269/FUL</u> Oving Parish</p> <p>Case Officer: Maria Tomlinson</p> <p><b>Written Representation</b></p>	<p>Merston Drier Barn Marsh Lane Merston Oving West Sussex - Change of use from agriculture to a mixed use comprising of agricultural storage and the storage of up to 10 vintage cars.</p>
<p><u>18/00088/CONAGR</u> Plaistow And Ifold Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Written Representation</b></p>	<p>Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE - Appeal against PS/67</p>

Reference/Procedure	Proposal
<p><u>18/00088/CONAGR</u> Plaistow And Ifold Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Written Representation</b></p>	<p>Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE - Appeal against PS/66</p>
<p><u>18/00088/CONAGR</u> Plaistow And Ifold Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Written Representation</b></p>	<p>Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE - Appeal against PS/65</p>
<p><u>18/03255/FUL</u> Selsey Parish</p> <p>Case Officer: James Gellini</p> <p><b>Written Representation</b></p>	<p>Land Adjacent To 71 West Street Selsey Chichester West Sussex PO20 9AG - Erection of 1 no. 2 bed bungalow - resubmission of SY/18/02197/FUL.</p>
<p><u>18/00005/CONAGR</u> Sidlesham Parish</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>	<p>Greenwood Group Highleigh Nurseries Highleigh Road Sidlesham Chichester West Sussex PO20 7NR - Appeal against SI/70</p>
<p><u>18/00389/CONCOU</u> Southbourne Parish</p> <p>Case Officer: Steven Pattie</p> <p><b>Written Representation</b></p>	<p>1 Green Acre Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Appeal against SB/117</p>



Reference/Procedure	Proposal
<p><a href="#">18/03145/OUT</a> Southbourne Parish</p> <p>Case Officer: Jeremy Bushell</p> <p><b>Public Inquiry</b> <b>21/01/2020 –</b> <b>24/01/2020</b> Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land North Of Cooks Lane Southbourne Hampshire - Outline application with all matters reserved except Access for the erection of 199 dwellings and associated development.</p>
<p><a href="#">18/03428/FUL</a> Southbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p><b>Informal Hearing</b></p>	<p>Field South Of 230 Main Road Southbourne Hampshire - Material change of use of the land for stationing of caravans for residential occupation for single pitch Gypsy site with facilitating development (hard standing and utility building).</p>
<p><a href="#">17/00333/CONMHC</a> Westbourne Parish</p> <p>Case Officer: Tara Lang</p> <p><b>Informal Hearing</b> <b>05/11/2019 10:00:00</b> Fishbourne Centre</p>	<p>Home Paddock Stables Hambrook Hill North Hambrook West Sussex - Appeal against WE/44</p>
<p><a href="#">18/02003/FUL</a> Westhampnett Parish</p> <p>Case Officer: Dan Power</p> <p><b>Written Representation</b></p>	<p>Greytiles Claypit Lane Westhampnett PO18 0NU - Demolition of existing garage, construction of additional dwelling and associated works, subdividing plot.</p>

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

## 6. COURT AND OTHER MATTERS

<b>Injunctions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>
Birdham, Land North West of Premier Park	Various breaches of Enforcement Notices: unauthorized development; use of land for stationing of caravans, installation of cables, utilities etc.	All papers in support of application for an Injunction should be lodged at the High Court on Monday 25 November 2019 which will then give a date for the hearing.

<b>Court Hearings</b>		
<b>Site</b>	<b>Matter</b>	<b>Stage</b>

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>
2a Crane Street, Chichester	Display of unauthorized advertisement	At court yesterday 20 November: Guilty plea entered. Sentence: £113 Fine and costs to the Council of £400.

## 7. POLICY MATTERS

## South Downs National Park

### Planning Committee

**Wednesday 04 December 2019**

### Report of the Director Of Planning and Environment Services

#### Schedule of Planning Appeals, Court and Policy Matters

**Date between 17/10/2019 and 19/11/2019**

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

**Note for public viewing via Chichester District Council web site** To read each file in detail,

including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

\* - Committee level decision.

#### 1. NEW APPEALS

Reference/Procedure	Proposal
<a href="#">SDNP/19/01585/HOUS</a> Lynchmere Parish Council Parish  Case Officer: Louise Kent  <b>Householder Appeal</b>	Dormer Cottage Lower Lodge Road Lynchmere GU27 3NG - Two storey rear extension with associated roof works and alterations and additions to fenestration. Single storey extension to outbuilding
<a href="#">SDNP/18/06427/HOUS</a> Duncton Parish Council Parish  Case Officer: Beverley Stubbington  <b>Householder Appeal</b>	Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached domestic garage/store.
<a href="#">SDNP/17/00755/COU</a> Fittleworth Parish Council Parish  Case Officer: Tara Lang  <b>Written Representation</b>	Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10

## 2. DECIDED

Reference/Procedure	Proposal
<p><a href="#">SDNP/18/03090/HOUS</a> Kirdford Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Little Bignor Farm A272 Wakestone Lane To Croucham Lane Kirdford RH14 0LJ - Demolition and replacement of existing side extension.</p>
<b>Appeal Withdrawn</b>	
<p><a href="#">SDNP/18/03091/LIS</a> Kirdford Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Little Bignor Farm A272 Wakestone Lane To Croucham Lane Kirdford RH14 0LJ - Demolition and replacement of existing side extension.</p>
<b>Appeal Withdrawn</b>	
<p><a href="#">SDNP/18/01575/FUL</a> Sutton &amp; Barlavington Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Informal Hearing</b></p>	<p>The Croft Bignor Road Sutton RH20 1PL - Change of use from ancillary residential accommodation, domestic storage and stabling to ancillary residential accommodation, guest accommodation, staff accommodation, holiday let, domestic garaging, hobby room.</p> <p>Linked to <a href="#">SDNP/19/00893/MPO</a></p>
<b>Appeal Decision: SPLIT: PART DISMISSED/PART ALLOWED</b>	

"... The Council has informed me that its members have resolved to agree to their officer's recommendation to discharge the planning obligation and not to defend appeal A. This unilateral undertaking contains a similar restriction to a planning condition attached to permission ref. SN/11/02662/DOMNP relating to The Stables. ... No evidence has been presented to demonstrate that this obligation serves a useful purpose. I therefore agree with the Council and the appellant that it should be discharged. Appeal A therefore succeeds. ... Whether the proposal would be tantamount to the creation of a new dwelling - The appeal site lies within the countryside and outside the confines of any defined settlement boundary. A new dwelling within this part of the National Park would be at odds with the character of this sensitive landscape. Unless it met a proven or essential need, any such dwelling would conflict with the provisions of the development plan and the Framework<sup>5</sup>. It could also set a precedent for other similar development elsewhere<sup>6</sup> within the National Park which would be difficult to resist and likely to result in cumulative adverse harm to the character of a landscape which is of national importance. The Stables is a sizeable building<sup>7</sup> that is located in the north western corner of the extensive curtilage to The Croft. ... The Croft and The Stables share the same access onto the public highway and the same residential curtilage. However, there are separate parking areas alongside both buildings and it would take little effort to sever the lawn area in front of The Stables from the remainder of the garden. With all the facilities necessary for independent living (two bedrooms, a bathroom, sizeable kitchen/living space and garage/storage space) the appeal building, without adequate restriction on its use, could be capable of operating as a separate dwelling to The Croft. Those acting for the appellants have informed me that they are not seeking permission for a new dwelling ... However, circumstances can change, as has already been the case with the appeal building, which was originally permitted as a replacement stable in 2003. The property could also be sold in the future. ... I concur with the Council that the proposed use of The Stables for garaging, stables and/or a hobby room in association with the residential use of The Croft would not result in any harmful impact or conflict with any local and national planning policies. Permission should not therefore be withheld for these uses. ... Whilst The Stables would be capable of operating as a separate unit, members of the appellants family and their guests would be likely to use some of the facilities within The Croft for relaxing and main meals, as well as making use of the separate swimming pool building that is ancillary to the main house. To prevent/deter the appeal building from being used as a separate dwelling, a condition restricting the duration of any visitor/family members staying within The Stables to 90 days would be necessary and reasonable. I note that the appellants wish to have flexibility over the uses proposed for The Stables. A condition to the above effect would be likely to prevent use of the building by a dependent relative. ... In the absence of details regarding any dependent relative and a failure to adequately demonstrate the functional and physical dependency on The Croft, I share the concerns of the SDNPA that this use of The Stables would be at odds with the provisions of the development plan. ...there is no evidence to demonstrate that there is an essential or proven need for any staff to reside on site or be employed at The Croft. There is also nothing to demonstrate that The Stables would help address the likely shortfall in the supply of affordable housing within the National Park or assist in meeting local housing needs. In the absence of such details there is considerable risk that The Stables would be tantamount to a new dwelling and erode/unacceptably harm the character of this part of the National Park. Even if planning conditions were attached to a permission restricting

**Appeal Decision: SPLIT: PART DISMISSED/PART ALLOWED - continued**

the occupancy to staff employed at The Croft and/or tying the buildings into the same ownership, it would be very difficult for the SDNPA to refuse permission for any future application to discharge such conditions. ... Tourism, including visitor accommodation, is important to the National Park. ... Unlike the proposed use of The Stables as staff accommodation, those staying within this building on holiday would be very unlikely to undertake journeys to main centres for accessing educational, healthcare and other essential services that would be required by more 'permanent' residents. ... Furthermore, in comparison to staff accommodation, holiday makers are far less likely in the future to want to enlarge the appeal building or alter the curtilage of the site to cater for their changing needs. Subject to the use of a planning condition restricting the duration of occupancy of The Stables to a maximum duration of 30 days by individual holiday makers, this building would function in a different way and take on a different character to that of a new dwelling. A holiday use would not harm the special landscape qualities of the National Park. ... I conclude on the first main issue that the proposed use of The Stables as staff accommodation or as an annexe would be tantamount to the creation of a new dwelling. It would be at odds with the provisions of LP policies LP1, SD25, as well as the thrust of MP policy 1, and the provisions of the Framework that are aimed at conserving and enhancing the National Park. These proposed uses would result in unacceptable harm to a nationally important landscape and would significantly and demonstrably outweigh the very limited benefits. I also agree with the Council that including these uses as part of the 'flexible permission' that is sought by the appellants would be likely to create enforcement difficulties for the SDNPA in monitoring these different uses in the future. ... I note the concerns of the SDNPA and some interested parties that the proposed uses would result in an increase in activity within this part of the appellants' property and result in noise and other disturbance. ... I conclude on the second main issue that there is no cogent evidence to demonstrate that the proposals would result in any harmful effect upon the amenity or living conditions of neighbouring residents. ... Given all of the above, I conclude that appeal A should succeed and appeal B should succeed in part but is otherwise dismissed. A split decision can be issued in respect of appeal B."

<p>*<a href="#">SDNP/19/00893/MPO</a> Sutton &amp; Barlavington Parish Council Parish</p> <p>Case Officer: Carol Garfield</p> <p><b>Informal Hearing</b></p>	<p>The Croft Bignor Road Sutton Pulborough West Sussex RH20 1PL - Application to discharge the S.106 Undertaking relating to planning permission SN/11/02662/DOMNP.</p> <p>Linked to <a href="#">SDNP/18/01575/FUL</a></p>
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**Appeal Decision: APPEAL ALLOWED**

As Above

<p><a href="#">SDNP/18/06032/LIS</a> Duncton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Burton Mill Burton Park Road Barlavington GU28 0JR - Replacement of all existing windows with new double glazed units and revised frame design and reveal an obscured window.</p>
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**Appeal Decision: APPEAL DISMISSED**

This application proposes a more appropriate window design and includes the replacement of other, now decaying, 1990s windows with the same design...The main issue is whether the proposed double-glazed windows would preserve the special architectural or historic interest of the Grade II listed mill...The windows are an important element of the historic and architectural character of the former industrial building despite it having been converted into a dwelling in the early 1990s...modern windows, which the LPA point out do not benefit from listed building consent and are therefore unauthorised,.. The existing windows do not therefore constitute a 'fall-back' despite the fact they have been there for at least 20 years... The appellant and LPA agree that the proposed six pane windows in three vertical sections, with two outer casements and one fixed centre section all inset from the front face of the building by 50mm, would replicate the original design of the mill's windows. But the LPA objects to their double-glazed design...double-glazed windows would be inappropriate because the design of the proposed windows would simply replace one inappropriate window design with another for...These unfortunate drawbacks of the proposed double-glazed windows would give them a suburban residential appearance very much at odds with the overall character and appearance of this industrial building. It is important that such a prominent building in a local beauty spot should be properly restored to reflect its original historic architectural character and appearance...double-glazed units being proposed here would fail to match the historical and architectural character of the building. Since the fenestration is an important physical and visual component of the mill, the proposed windows would harm its significance as a listed building...There is no suggestion that its viable optimum use has not been secured...I conclude that the harm to the significance of the listed building would outweigh the benefits in terms of better thermal performance...NPPF paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that great weight should be given to assets' conservation...Policy SD5 requires new development to be locally distinctive and utilise appropriate and sympathetic materials. Policy SD12 states that development proposals must safeguard heritage assets. Policy SD13, which sets out more detailed criteria for listed buildings, requires proposals to preserve and enhance the significance of such buildings and applies the statutory and NPPF tests...For the reasons set out above the proposal would fail to comply with the statutory tests, the NPPF and the above Policies in the LP. Consequently.

<p><u>SDNP/15/00492/COU</u> Rogate Parish Council Parish</p> <p>Case Officer: Steven Pattie</p> <p><b>Public Inquiry</b></p>	<p>Laundry Cottage Dangstein Dangstein Road Rogate Petersfield West Sussex GU31 5BZ - Appeal against RG/36</p>
<p><b>Appeal Decision: APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHELD</b></p>	

As the ground (d) would be for the mixed use as alleged, the appellant agreed to withdraw this ground, as they only wished to contest the archery element and this would be more appropriately done as an appeal against the LDC...The appellant also withdrew the ground (c) appeal and confirmed the ground (b) appeal related solely to the question of forestry related activities, and the ground (f) appeal related to the issue of whether the Council should have asked for a reduction in activity rather than a cessation...The Council for its part accepted the notice should be corrected to include "forestry" within the mix of uses enforced against...The appellant argues that the production of timber products included in the allegation are ancillary to the lawful forestry use of the land... It seems to me it is the degree of processing that is important...The key issue is whether the production is genuinely incidental/ancillary, or does it amount to a separate activity and that must turn on the amount as well as the details of the activity...one of the outputs of the yard is pre-cut timber to make wooden framed buildings to order...It involves considerable added value and processing of the raw timber to create an artefact, that is then essentially taken in kit form to a site and erected. This goes beyond processing of timber to make it marketable but is part of the creation of a product itself and would not seem to me to be ancillary to forestry, but a separate and potentially commercial process...It was agreed that the occasional imports of wood from other nearby woodlands where they did not have the means to process it, for the sort of ancillary processing described above was lawful and there is no evidence of wood being imported in any quantity for educational purposes. In some of those cases Mr Walker had made an occasional simple bench or table out of a tree trunk.. But taken along with the framing and bus shelters, it adds up to a low level creation of timber products that go beyond what is ancillary to the lawful forestry activities...It would seem to me therefore that timber products are produced on site, albeit at a fairly low level, and so the appeal on ground (b) fails...As the Council pointed out, the appellant does not really want planning permission for what he has been doing on the land (the ground (a) of Appeal A) but wants planning permission for what he proposes to do (the s78 Appeal B)... However, the notice also requires the imported wood to be removed, whereas it seems the Council accepted the import of wood, as long as it was for ancillary purposes, was lawful...This is therefore a separate matter that the appellant will have to pursue with a s78 application...As to the enforcement appeal, ground (b) failed and planning permission should not be granted for the development alleged in the notice. The ground (f) was essentially that a low level of activity could safely be carried out on the site, but that has been overtaken by the grant of planning permission for the s78 appeal. The ground (g) is similarly rendered irrelevant. I shall therefore dismiss the enforcement appeal and uphold the notice. This will be overridden insofar as it conflicts with the planning permission granted by Appeal B. But it will require the scruffy archery equipment, tents, storage and portaloos to be removed as well as the temporary camp kitchen, compost toilets and so on. These will all be replaced by the structures granted permission by Appeal B. I shall remove from the requirements the need to remove the imported timber as it was agreed this was not unlawful...



### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><a href="#"><u>SDNP/17/04166/LDE</u></a> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p><b>Public Inquiry</b> <b>07/01/2020 at 10 am</b> Chichester Harbour Hotel</p>	<p>Buriton Barn Buriton Farm Buriton Farm Lane Treyford GU29 0LF - Existing Lawful Development - C3 residential use for the site area and building.</p>
<p><a href="#"><u>SDNP/18/00113/FUL</u></a> Bury Parish Council Parish</p> <p>Case Officer: Naomi Langford</p> <p><b>Informal Hearing</b> <b>19/11/2019 10:00:00</b> Chichester Harbour Hotel</p>	<p>Bignor Park Nursery Bignor Park Road Bignor RH20 1HG - Construction of a bespoke joinery building for furniture making. Conversion and extension of an existing barn to equestrian use. Development of a horse walker and sand school plus temporary stationing of a log cabin to support the development of the equestrian business. Ancillary parking, drainage (foul and surface), PV solar panels and landscape planting.</p>
<p><a href="#"><u>SDNP/19/01585/HOUS</u></a> Lynchmere Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p><b>Householder Appeal</b></p>	<p>Dormer Cottage Lower Lodge Road Linchmere GU27 3NG - Two storey rear extension with associated roof works and alterations and additions to fenestration. Single storey extension to outbuilding</p>
Reference/Procedure	Proposal
<p><a href="#"><u>SDNP/18/06427/HOUS</u></a> Duncton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached domestic garage/store.</p>
<p><a href="#"><u>SDNP/18/06143/FUL</u></a> Fittleworth Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Fittleworth House Bedham Lane Fittleworth RH20 1JH - Installation of freestanding solar array.</p>

<p><u><a href="#">SDNP/18/03666/LIS</a></u> Sutton &amp; Barlavington Parish Council Parish</p> <p>Case Officer: Claire Coles</p> <p><b>Written Representation</b></p>	<p>Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.</p>
<p><u><a href="#">SDNP/18/03665/HOUS</a></u> Sutton &amp; Barlavington Parish Council Parish</p> <p>Case Officer: Claire Coles</p> <p><b>Written Representation</b></p>	<p>Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.</p>
<b>Reference/Procedure</b>	<b>Proposal</b>
<p><u><a href="#">SDNP/15/00209/COU</a></u> Compton Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Written Representation</b></p>	<p>Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/9 erection of a dwellinghouse in a barn.</p>
<p><u><a href="#">SDNP/17/00755/COU</a></u> Fittleworth Parish Council Parish</p> <p>Case Officer: Tara Lang</p> <p><b>Written Representation</b></p>	<p>Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10</p>
<p><u><a href="#">SDNP/16/00110/COU</a></u> Milland Parish Council Parish</p> <p>Case Officer: Steven Pattie</p> <p><b>Informal Hearing</b> <b>07/01/2020</b> <b>10:00:00</b> CDC - Old Court Room (OCR)</p>	<p>Land West of Junction With Dangstein Road Borden Lane Borden Milland West Sussex - Appeal against ML/25</p>

Reference/Procedure	Proposal
<u>SDNP/15/00210/COU</u> Compton Parish Council Parish  Case Officer: Shona Archer  <b>Written Representation</b>	Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/7

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

None

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

#### 7. POLICY MATTERS

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