

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Fiona Baker on 01243 534609

Email: fbaker@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 6 April 2022 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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** (Pages 1 - 22)

The minutes relate to the meeting of the Planning Committee on 2 March 2022 and 21 March 2022.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 12.

4 **Declarations of Interests** (Pages 23 - 24)

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

- 5 **WE/21/02985/FUL River Street Garages, River Street, Westbourne. West Sussex** (Pages 25 - 38)
Demolishment of row of 4 no. garages, replaced with garage building including solar panels.
- 6 **CC/22/00496/PA14J - Westgate Leisure Centre Via Ravenna Chichester West Sussex PO19 1RJ** (Pages 39 - 46)
Solar panel installation.
- 7 **BO/21/00620/FUL - Burnes Shipyard, Westbrook Field Bosham** (Pages 47 - 87)
Development comprising the demolition of existing B2 use shipyard buildings and structures and the erection of 3no. replacement C3 dwellings with access, parking, landscaping and associated works.
- 8 **SDNP/21/04759/FUL - Eastview, The Street, Lodsworth, GU28 9BZ** (Pages 89 - 101)
Replacement dwelling.
- 9 **Westbourne Conservation Area Appraisal including extension to Westbourne Cemetery** (Pages 103 - 149)
The Planning Committee are asked to consider the report and make the following recommendations;
- That the Committee:**
- a) **Note the contents of the report, and**
- b) **Approve for public consultation the updated Westbourne Conservation Area Appraisal (2022) including the recommendation for extending the conservation area to cover the site of the historic Westbourne Cemetery, Cemetery Lane,**
- 10 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 151 - 169)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 171 - 174)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **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
- 13 **Exclusion of the Press and Public**
The committee is asked to consider in respect of the following item(s) whether the public interest including the press should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government

Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information. **The reports dealt with under this part of the agenda are attached for members of the Cabinet and senior officers only (salmon paper)**

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. Subject to Covid-19 Risk Assessments members of the public are advised of the following:
 - Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
 - Where a member of the public has registered a question they will be invited to attend the meeting and will be allocated a seat in the public gallery.
 - It is recommended that all those attending take a lateral flow test prior to the meeting.
 - All those attending the meeting are advised to wear face coverings and maintain social distancing when moving around the building and/or meeting room.
 - You should not attend any face to face meeting if you have symptoms of Covid-19 or if you have been instructed by NHS Test and Trace to self-isolate
6. 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

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

Application Status

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



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 2 March 2022 at 9.30 am

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

Members not present: Mr G McAra

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Mr S Harris (Principal Planning Officer), Mr M Mew (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)) and Mrs F Stevens (Divisional Manger for Planning)

185 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and readout the emergency evacuation procedure.

Apologies were received from Cllr Gordon McAra and Ms Nicola Golding.

186 **Approval of Minutes**

The minutes of the meeting held on 2 February 2022 were agreed as true and accurate record.

187 **Urgent Items**

There were no urgent items.

188 **Declarations of Interests**

Mr Barrett declared a personal interest in

- Agenda item 7 – CH/20/01854/OUT – as the External Appointment to Chichester Harbour Conservancy
- Agenda item 8 – BI/20/00185/FUL – as the External Appointment to Chichester Harbour Conservancy

Mr Briscoe declared a personal interest in

- Agenda item 6 – CC/21/03166/ADV - as the Cabinet Member for Community Services and Culture, which includes the Novium Museum.

Mrs Johnson declared a personal interest in

- Agenda item 5 – CC/21/00460/REM - as a member of West Sussex County Council
- Agenda item 7 – CH/20/01854/OUT – as a member of West Sussex County Council
- Agenda item 8 – BI/20/00185/FUL – as a member of West Sussex County Council

Mr Oakley declared a personal interest in

- Agenda item 5 – CC/21/00460/REM - as a member of West Sussex County Council
- Agenda item 7 – CH/20/01854/OUT – as a member of West Sussex County Council
- Agenda item 8 – BI/20/00185/FUL – as a member of West Sussex County Council

Mr Potter declared a personal interest in

- Agenda item 9 – SDNP/21/03746/HOUS – as the External Appointment to the South Downs National Park.

Mrs Sharp declared a personal interest in

- Agenda item 5 – CC/21/00460/REM - as a member of West Sussex County Council and Chichester City Council
- Agenda item 7 – CH/20/01854/OUT – as a member of West Sussex County Council
- Agenda item 8 – BI/20/00185/FUL – as a member of West Sussex County Council

189 **CC/21/00460/REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH**

Mr Harris presented the report to the Committee. He explained that the application sought approval for the final reserved matters for phase one of the Chichester Strategic Development site in respect of the Local Centre's employment, retail, healthcare and play provision.

Mr Harris outlined the Local Centre and identified the land that formed part of the application and showed how the spine road passed through the centre. He highlighted an area of land that formed part of the application and provided a footpath link from the local centre to the 'western green link'.

Mr Harris explained that the Outline permission already granted had established certain criteria that were relevant to the Local Centre, including building uses, the floorspace and the maximum height of development.

Mr Harris identified each building and outlined what was being proposed on each part of the site along with the associated parking provision.

He explained that eight two-bedroomed apartments would be formed above the retail space. He informed the Committee that the developers were currently in negotiations with a national convenience store operator who was looking to operate the whole retail unit, however, he explained that the layout had been designed in such a way that it could be broken down into smaller units if required at later date.

He confirmed that there was cycle parking provision and explained that all buildings offered pedestrian access directly onto the footway, this had been designed to ensure that all buildings had some presence along the street.

With regards to the employment site Mr Harris explained how the design and massing had been managed and informed the Committee that massing had been reduced through the use of dormers which would assist in creating a more appropriate transition to the domestic dwellings fronting the spine road on the adjacent parcels.

Whilst the developer had included a proposed building for the healthcare facility, Mr Harris explained that no occupier had yet been found to take on the building. It was also clarified that the developer was only required to safeguard the land.

Mr Harris informed the Committee that the YMCA had been identified as the operator for the Community Building. Following the appointment there had been a redesign to the building including its enlargement to incorporate a children's day nursery. Other facilities that would be offered in the Community building include a cafe facility, a kitchen, toilets, changing facilities, youth rooms, staff rooms and a ground floor hall which could seat around 250 people.

Mr Harris highlighted that the Committee were not being asked to approve the YMCA as the operator; he explained that this would be dealt with at a later stage as part of the approvals required under the terms of the S106 agreement.

The play provision included a MUGA and a play area which would be suitably equipped for younger age groups. Mr Harris informed the Committee that the developer's management company would be responsible for the future maintenance of the play provision.

On the matter of highways, Mr Harris confirmed that it was the developer's intention for both the spine road and secondary road to be adopted by the local highway authority, and they had been designed accordingly with indicative traffic calming measures included.

Mr Harris highlighted where temporary bus turning would be provided. He explained that these arrangements would be required up until the completion of the southern access road which formed part of the phase 2 development.

Mr Harris highlighted the solar panels that would be provided as part of the development. In addition, air source heat pumps would be installed in each building. He explained that a 60% improvement in terms of CO₂ emissions relative to the

requirements of the building regulations had been achieved through negotiations with the developer.

The Committee received the following representations;

Mr Nick Billington – Agent

Cllr Clare Apel – CDC Ward Member (whilst Clare Apel was registered to speak as a ward member she spoke in her capacity as a Chichester City Councillor)

Officers responded to Member's comments and questions as follows;

Mrs Purnell used her discretion as Chairman to allow Mr Harris to answer a question posed by Cllr Apel in her representation. Mr Harris acknowledged the comments made, he explained that the buildings would be no more than three storeys in height but were required to be of a substantial nature as had been granted through the outline permission. He confirmed changes had been incorporated throughout the development of the application with substantial input from the Council's design officers being included, the City Council had been consulted on the most recent plans and no additional comments had been submitted.

On the matter of amending Condition 18 to extend the use class for the office building; Mr Harris informed the Committee that the office space being considered as part of the application could not be amended as its use and classification had already been established through the Outline permission, therefore, any amendment to the REM application would conflict with the Outline permission. He explained that as part of the S106 Employment Scheme agreement developers were required to market the floor space and this would test the strategic need to provide the offices detailed in the application.

With regards to amending Condition 17 to extend the use to include facilities such as a take-away food store or hairdressers; Mr Harris explained that the retail use class E(a) had been established through the Outline planning permission, as well as the S106 retail scheme which required the premises to be marketed as retail. In the officers' opinion a retail/convenience store would be of significant benefit for the development, and it was encouraging that the developer was in the final negotiation stages in order to secure this. However, Mr Harris informed the Committee that should there be need to change the retail use in the future a new planning application could be submitted to vary the condition for all or part of the retail space. As a point of note Mr Harris explained that any food outlet would need to overcome the issue of fume extraction which can be problematic when flats are located above.

In response to concern regarding the flat roofs proposed on the larger buildings; Mr Harris informed the Committee that the buildings would be subject to Building Regulations which would consider the technical details such as the slope of roof necessary to ensure satisfactory drainage (he reminded the Committee that this was not a planning matter). However, it was his understanding that the roofs would indeed incorporate a gentle slope.

On the matter of the future management of the health/community facilities' car park; Mr Harris informed the Committee there had been no discussion or mention from the

management company about charging for the use of the car park. He drew the Committees attention to Condition 12 and explained how the condition would allow the opportunity for the authority to monitor and review how the car parking arrangements were being managed. The car parks were private, and it would be unlikely that they would be managed by either CDC or WSCC. In addition, Mr Shaw explained that as it was the intention to adopt the adjoining roads, any on-street parking arrangements would be within the control of WSCC, and parking restrictions would be enforced by CDC.

In response to concerns regarding the urban design of the development; Mr Broadway provided a brief overview of the design principles that had been considered and applied when developing the local centre and were the reason for why the buildings were designed in the way presented. He informed the Committee that following comments from the City Council there had been some amendments to the elevations to the improve the 'push and pull' of the buildings.

In response to comments made by WSCC Highway regarding additional access points; Mr Shaw explained that the additional access points to the retail and employment centre were not included in the first REM submission, however they were now included and had been designed in a similar style to other roads within the development.

With regards to the provision of additional pedestrian crossing facilities: Mr Shaw informed the Committee that additional crossing points had been secured on the secondary road.

On the matter of land secured for the healthcare provision; Mr Harris acknowledged comments made regarding the provision of a healthcare facility. He explained that the land would be safeguarded for a period of time (until the occupation of the 500th dwelling) and as part of the S106 agreement the developer was required to proactively market the site and had appointed a specialist consultant to assist in the process. Although the wish of a number of members for a GP practice to be established at the site, Mr Harris clarified that the S106 agreement did allow for the facility to be used for a number of other health-related uses including; physiotherapy, a Dental Practice, or a pharmacy. He assured the Committee that officers would be scrutinising the marketing of the site. With regards to what would happen to the site until it was developed, Mr Harris suggested a Condition be added to ensure that appropriate landscaping is maintained during the interim period.

On the issue of the future maintenance of the flats and retail space; Mr Harris reminded the Committee that this was not a planning matter.

With regards to the operating hours of the convenience store; Mr Harris confirmed that the operating hours would be controlled through condition, it would be expected that delivery times would also be included. Mr Harris drew attention to Condition 10 of the report which required the submission of a noise mitigation scheme to safeguard local amenities. At this stage Mr Harris was unable to say where any specific plant would be located.

On the matter of the size of vehicles which could access the car park; Mr Harris informed the Committee that the Local Centre had been tracked to ensure a fire engine could access the site, therefore was confident a large delivery vehicle would have enough room to access the site.

With regards to the car parking provision within the local centre; Mr Harris confirmed that the retail and employment car parking provision was not included within the condition included within the report. He explained the rationale the condition was being applied to only the community and healthcare parking provisions.

With regards to the outdoor nursery provision; Mr Harris confirmed that the nursery had a 400sqm secure outdoor area.

With regards to the LEAP; Mr Harris confirmed that the LEAP would be fenced (he believed it would be metal). In addition, there was a S106 requirement for the developers to submit a play provision scheme before development.

With regards to the MUGA; Mr Harris confirmed that at this stage it was not intended for the MUGA to be lit, however, this would be addressed as part of the play provision scheme. He assured members that consideration had been given to the location of the MUGA in relation to phase 2 development and confirmed that an appropriate separation distance was provided.

On the matter of the Western Link footpath; Mr Harris informed the Committee that the link was established as part of the Outline permission and confirmed that it was only a footpath and was not intended for use by cyclists.

With regards to the appearance of the office buildings; Mr Harris acknowledge comments made by the Committee and explained how there would be a number of different design techniques used in the construction of the office buildings including various areas of textured and recessed brickwork. He drew the Committee's attention to Condition 3 of the report which prevented any development from commencing until the detailed technical drawings had been approved by the Local Authority.

On the matter of potential noise disruption from deliveries at the retail unit; Mr Harris confirmed that officers would be happy to extend Condition 10 so that it made specific reference to the hours of delivery operations.

With regards to the type of business that can use the office buildings; Mr Harris explained that the use of the office buildings had been determined through the Outline permission, therefore the developers were constrained as to what type business could operate from them. He informed the Committee that as part of the S106 agreement the developers were required to market the site.

With regards to the market value of the land for the healthcare facility; Mr Harris confirmed the site would be advertised at the market value appropriate to the approved use on the site.

On the matter on installing more solar panels; Mr Harris acknowledged the potential to install further panels, however, he explained that the developer had already significantly improved their CO₂ reduction.

With regards to the EV charging points; Mr Harris explained the detail of the EV charging points had been dealt with under the first REM application which required the developer to submit details of the proposed charging points. He would inform the developer of the WSCC scheme regarding EV charging points.

With regards to trike parking; Mr Harris told the Committee that whilst there was no dedicated trike parking, trikes would be accommodated on the outer stands of the cycle storage provision. As a point of note he informed the Committee that the number of cycle parking spaces had increased from 40 to 72.

On the issue of a 'share and care' scheme being promoted on the circular footpath; Mr Harris would inform the developer of the scheme; however, he reminded the Committee that the footway was a privately owned path.

On the matter of hedging and planting; Mr Harris assured the Committee that there was an extensive network of hedging which had been incorporated into the development where appropriate and in consultation with the Council's Environmental Strategy team.

With regards to the speed limit on the spine road; Mr Shaw informed the Committee the design of the spine road had already been approved through an earlier REM application. He explained that conditions had been secured requiring the developer to submit further details in respect of crossing facilities and surface treatments. In addition, there were specific highway treatments proposed for the local centre to slow vehicles down and ensure the appropriate location of crossing facilities. Mr Shaw confirmed that the developer had proposed a 30mph limit for the spine road.

On the issue of the green space available to the Community Building; Mr Harris explained that the Community Building would not have its own green space for events, but it would have good links to the adjacent open space which incorporated the proposed play area.

With regards to the location of the fire escape in the residential units above the retail unit; Mr Harris informed the Committee the internal stairwell located within the building would be the means of exit, there was no requirement for an external stairwell.

On the issue of the land reserved for the healthcare site not becoming occupied; Mr Harris explained if no occupier was found then it would mean there would be a piece of land with a 'Nil use'. If this were to happen then it would be open to the developer would be required to submit a new proposal.

On the matter of the retail unit and delivery vehicles; Mr Harris explained the retail unit had been designed to accommodate the single operator, but it did have the flexibility to be broken down into smaller units if required at a future date. In addition, the car park had been appropriately designed to accommodate the type of vehicle

associated with that unit, Mr Shaw confirmed WSCC are comfortable the car park can accommodate the necessary vehicles.

Mr Oakley proposed that Condition 6 be extended to include both the retail and employment car parks in the management and periodic review. Mrs Sharp seconded the proposal. Following a vote, the proposal was rejected and not carried. **The detail of the vote was raised outside the meeting. The issue was considered by the Monitoring Officer who confirmed the vote and decision as lawful.*

In a vote the Committee agreed to support the report recommendation to **Permit** subject to the conditions and informatives set out in the report, plus the agreed amendment to Condition 10 to request the occupier to submit details regarding the proposed hours of delivery and; the additional Condition for the interim management of the healthcare site.

Recommendation; **Permit** subject to the conditions and informatives set out in the report, plus the agreed amendment to Condition 10 to request the occupier to submit details regarding the proposed hours of delivery and; the additional Condition for the interim management of the healthcare site.

**Mr Oakley left the meeting at 11.38am*

**Members took a ten-minute break*

190 **CC/21/03166/ADV - The Novium Museum & TIC, 1 Tower Street, Chichester, PO19 1QH**

Mr Mew presented the report to the Committee and drew their attention to the Agenda Update Sheet which set out an addendum to the report and some additional comments.

Mr Mew highlighted the site location. He explained that the proposal was for three banner advertisements to be installed on the front of The Novium Museum and showed the Committee an image of what the proposed banners would like once installed.

He explained that the banners would be located 3.75m above the carriageway.

There were no representations.

Officers responded to Member's comments and questions as follows;

Mr Mew confirmed that the conditions attached to the application were standard advertising conditions. Condition D requires that advertisements are maintained so that they do not endanger the public and Condition E requires that advertisements are maintained so that they do not endanger the public or impair visibility.

In a vote the Committee agreed to support the report recommendation to **permit** subject to the conditions and informatives set out in the report.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

**Members took a five-minute break*

191 **CH20/01854/OUT - Chas Wood Nurseries, Main Road, Bosham, PO18 8PN**

Ms Bell presented the report to the Committee and drew their attention to the Agenda Update sheet which included; further third-party objections; additional information regarding the S106 provision for affordable housing; and an addendum to conditions 10 and 11 within the report.

Ms Bell highlighted the site location and showed how the site was accessed from the A259. She explained that the access was shared with neighbouring properties including Far Close and Oaklands. She informed the Committee that the site lies within floodzone 1, with the Chichester Harbour AONB lying just south of the site on the opposite side of the road.

Ms Bell explained that the application was an Outline application for 26 dwellings, of which eight (31%) would be affordable and the Committee were being asked to consider the access and principle of development. All other matters including appearance, landscaping and layout would be considered as part of a future Reserve Matters Application.

The proposed housing mix is to provide 18 market homes and eight affordable homes, of which six would be social rented and two would be first homes. The density of development would be approximately 20 homes per hectare.

Ms Bell showed the Committee an illustrative layout of how a development may be presented on the site. She highlighted the drainage ditches and confirmed that drainage officer had considered the proposals and was content that adequate provision had been made for future maintenance.

Ms Bell drew the Committee's attention to the site's location in proximity to the proposed Strategic Wildlife Corridor. Following discussion with the Environmental Strategy Officer there have been a number of amendments including the inclusion of a community orchard and; the realignment and repositioning of dwellings to limit the impact from lighting on biodiversity within the corridor.

Ms Bell informed the Committee that the applicant had confirmed the ownership of the site and the site outline shown in the presentation was correct.

Ms Bell showed the Committee some photos of the access arrangements for the site and detailed the visibility splays.

The Committee received the following representations;

Mr Stephen Johnson – Chidham & Hambrook Parish Council
Mrs Jane Towers – Objector
Mr Chris Lyons – Agent

Cllr Adrian Moss – CDC Ward Member

Officers responded to Member's questions and comments as follows;

With regards to the increase in the number of dwellings on the site; Ms Bell explained that the proposal being considered demonstrated a more efficient use of land with 20 units per hectare, along with a provision of affordable housing. The number of dwellings being proposed was part of the decision the Committee were being asked to consider and had been thoroughly scrutinised by officer to ensure that the proposed number could be accommodated on site.

On the matter of nitrate mitigation; Ms Bell confirmed the proposed nitrate mitigation had been amended and updated to reflect the current proposal. In addition, Ms Bell confirmed that all mitigation proposals for all documents including; the recreational disturbance contribution and the National Highways contribution had been updated and consulted on to reflect the proposed number of dwellings.

With regards to the Five-Year Housing Land Supply (5YHLS); Ms Bell confirmed that there was a current 5YHLS.

On the matter of what had changed since the Appeal on the same site; Ms Bell explained that an application for 10 units had been submitted in 2018, the application had gone to Appeal and was dismissed. At appeal the Planning Inspector had ruled that the site could not be classed as windfall as horticultural land could not be classed as previously developed land and therefore did not meet the criteria. Ms Bell highlighted that the policy situation was very different when the appeal was considered, the application that the Committee were being asked to consider had been reviewed by officers against the IPS, and in officer opinion the site was within an enclave of development and was suitably located between two service villages. In addition, Ms Bell informed the Committee that the Inspector had found no issue with the landscape character or access to the site.

On the issue of access arrangements; Ms Bell showed the Committee an illustrative layout of the proposed access arrangements. She explained that proposed provision showed that the road would be 5.5m in width at its widest point and 4.8m in width at its narrowest, there would also be a minimum width of 1.5m for the footway. Ms Bell confirmed that WSCC had reviewed the application and were content with the proposal. She reminded the Committee that details such as raised tables and tactile paving would be decided as part of a future REM application.

With regards to how the application would affect the future 5YHLS; Ms Bell explained that if permitted the proposed 26 houses would certainly contribute to the overall housing land supply.

With regards to the impact on the AONB; Ms Stevens reminded the Committee that the Chichester Harbour Conservancy had not objected to the application.

Rev. Bowden proposed that the recommendation be deferred for a site visit, Mrs Sharp seconded the proposal.

In a vote the Committee did not support the proposal for a site visit, therefore the recommendation was not carried.

Mr Briscoe proposed that the Committee **refuse** the application, against officer recommendation for the following reasons;

The proposal, by reason of its unsustainable location would result in the reliance on a private motor vehicle to access local services and facilities; and cause adverse impact upon the amenity of the surrounding area. Securing the necessary infrastructure and required mitigation for nitrates and recreational disturbance cannot be guaranteed due to the lack of a S106 agreement.

Mr Potter seconded the proposal.

In a vote the Committee agreed to support the proposal to **refuse** the recommendation, for the reasons set out above.

Recommendation; **refuse, against officer recommendation;** for the reasons set out above.

** Judy Fowler left the meeting at 12.46pm*

**Members took a ten-minute break*

192 **BI/20/00185/FUL - Birdham Service Station, Main Road, Birdham, PO20 7HU**

Mr Mew presented the report to the Committee and drew their attention to the agenda update sheet which included two addendums to the report. He also provided a verbal update and explained that an additional condition was being proposed to restrict the hours of delivery to not before 7am and not after 10pm unless otherwise agreed in writing.

Mr Mew highlighted the application and explained that it was an already established service station located within the Birdham settlement boundary and the Chichester Harbour AONB.

Mr Mew presented the proposed works and detailed how the new proposals would differ from the current provision. The car wash and jet wash that were available for use would be removed from the site and not replaced. He informed the Committee that there would be two new rapid electric vehicle charge points provided as part of the development

Mr Mew showed the proposed elevations of the new development in comparison with the existing development and highlighted its relationship with neighbouring properties.

Mr Mew confirmed that Environmental Protection had reviewed the noise assessment submitted as part of the application and were satisfied, subject to the mitigation measures included within the proposed conditions, that there would be no additional impact from the development.

The following representations were received;

Ms Elizabeth Hamilton – Birdham Parish Council
Ms Jackie Ford – On applicant's behalf

Officers responded to Member's comments and questions as follows;

On the matter of the EPV charging points; Mrs Purnell used her discretion and allowed the agent to answer, they confirmed that the charging points would be compatible with all vehicles.

On the matter of solar panels being provided as part of the development; Mr Mew informed the Committee that solar panels were not included as part of the proposal. He explained that should the applicant wish to install solar panels at a later date a separate application would need to be submitted due to the site being located within the AONB. Mrs Purnell used her discretion and invited the agent to comment on subject.

Officer's confirmed that an additional informative could be included to make the developer aware of the Committee's wish to see further climate change measures incorporated in any future development or improvement (subject to necessary permissions)

In a vote the Committee agreed to support the report recommendation to **permit**; subject to the conditions and informatives set out in the report, and the additional informative on climate change measures.

Recommendation; **permit**; subject to the conditions and informatives set out in the report and the additional informative on climate change measures.

**members took a ten minute break.*

193 **SDNP/21/03746/HOUS - 48 Lavant Down Road, Mid Lavant, Chichester, PO18 0DJ**

Mr Saunders presented the report to the Committee and drew their attention to the Agenda Update Sheet which set out an additional condition for a bat box on the house.

He highlighted the site location and explained that the property was a pair of three bedroomed semi-detached houses and that permission was being sought for a two-storey extension. Both properties already have a single storey extension in place.

Mr Saunders detailed the proposed plans and explained that proposal did extend a further 1.1m back from the current single storey extension and not 1.9m as stated in the report. He outlined the proposed elevations of the proposal.

He informed the Committee that the application had been amended to make it more subservient to its location.

There were no representations.

Officers responded to Member's comments and questions as follows;

In response to a question regarding the requirement for an ecosystem services statement; Mr Saunders explained that officers will look for a range of measures to be included within the statement including bird and bat boxes, as well as provision for hedgehogs in the garden. He confirmed that the applicant was required to submit a ecosystems statement which would include a number of further enhancements such as water recycling and water butts and drew their attention to the Condition 6 of the report which ensured measures detailed in the statement would be delivered.

In a vote the Committee agreed to support the report recommendation to **approve** subject to set out in the report.

Recommendation; **approve** subject to set out in the report.

194 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Ms Stevens drew the Committee's attention to page 153 and highlighted that the decision made in respect of Land off Broad Road, Hambrook. She also drew attention to the Agenda Update Sheet which included an update on High Court Hearings in respect of the site; Land at Flat Farm, Broad Road, Hambrook, West Sussex, PO18 8FT

In response to a question regarding the appeal for Land South of Clappers Lane; Ms Stevens confirmed that the authority had instructed their Barrister to defend the decision.

The Committee agreed to note the item.

195 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters**

Ms Stevens drew the Committee's attention to the Agenda Update Sheet which included an amended appeal decision for SDNP/20/04081/FUL.

The Committee agreed to note the item.

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

There were no late items.

197 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.28 pm

CHAIRMAN

Date:



Minutes of the meeting of the **Planning Committee** held in Committee Room 1, East Pallant House on Monday 21 March 2022 at 10.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers and Mr P Wilding

Members not present: Mrs D Johnson and Mrs S Sharp

In attendance by invitation:

Officers present: Mr O Broadway (Principal Conservation and Design Officer), Miss N Golding (Principal Solicitor), Mrs F Stevens (Divisional Manger for Planning), Young (Development Manager (Applications)) and Mr C Thomas (Senior Planning Officer)

198 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and readout the emergency evacuation procedure.

Apologies were received from Cllr Donna Johnson and Cllr Sarah Sharp.

199 **Urgent Items**

There were no urgent items.

200 **Declarations of Interests**

Mr Oakley declared a personal interest in

- Agenda item 4 – CC/21/00382/FUL – As a member of West Sussex County Council
- Agenda item 5 – CC/22/00033/FUL – As a member of West Sussex County Council
- Agenda item 6 – TG/21/03561/FUL – As a member of Tangmere Parish Council

201 **CC/21/00382/FUL - Bartholomews Holdings, Bognor Road, Chichester, West Sussex, PO19 7TT**

Mr Thomas presented the report to Committee. He drew their attention to the Agenda Update sheet which included an Addendum to the recommendation; Mr

Thomas explained that the proposed recommendation was to Delegate to officers. The update sheet also included an Addendum to the report and an assessment outlining the reason for the change to the recommendation.

Mr Thomas informed the Committee the application sought permission for the demolition of the old office block and the construction of nine new dwellings. He highlighted the proposed site layout, the different style of housing units and the vehicle access.

The Committee received the following representations;

Cllr Polly Gaskin – Chichester City Council
Miss Phillippa Gatehouse – Agent

Officers responded to Members' comments and questions as follows;

Mr Thomas confirmed that access from the Bognor Road would be closed and acknowledged that there was the potential for further hedging.

On the issue of affordable housing; Mr Thomas explained that the site formed part of the larger strategic Bellway development which was being delivered in three phases. Although no affordable homes were provided as part of the application being considered Mr Thomas confirmed that 31% of the completed development would be affordable housing.

With regards to the provision of a pedestrian refuge; Mr Thomas informed the Committee that the Highway Consultant had not given any reason as to why a pedestrian refuge was not required. He highlighted the proposed crossing points which would include tactile paving. In addition, Ms Stevens reminded the Committee that WSCC Highways had raised no objection to the proposal.

On the matter of Nitrate Mitigation; Ms Stevens explained that the original recommendation (as set out in the report) was proposed to secure the appropriate nitrate mitigation, which she believed was on agricultural land classification 3. However, since writing the Committee report Natural England had released new updated guidance which required further consideration by officers and was the reason the report recommendation had been changed to 'Delegate to Officers'.

On the matter of community facilities; Ms Stevens explained that CIL and financial contributions for the provision of community facilities had been collected through earlier phases of the development.

In response to concerns regarding the loss of employment land; Mrs Purnell reminded the Committee that the developer had originally marketed the site as an office suite but there had been no interest.

With regards to the foul drainage on site; Ms Stevens confirmed that the foul water from the site would go to Apuldram. She explained Southern Water had raised no objection. The adopted position statement requires development of 10 or more dwellings to demonstrate that there was no net increase from the development. As a

point of note, Ms Stevens reminded the Committee that the site already had a certain level of use attached to it from its previous use.

On the matter of requiring a S106 contribution for a pedestrian refuge; Ms Stevens informed the Committee that a TAD contribution had been collected as part of an earlier phasing of the development. Whilst a S106 could be used to secure a pedestrian refuge it could not just be added without consulting WSCC in their role as the highway authority. She advised the Committee that if their desire was for a pedestrian refuge to be included the application should be deferred and brought back to Committee to allow for further negotiations with the developer and WSCC.

With regards to Plot 7: Mr Thomas acknowledged the comments made regarding the proposed elevation and would negotiate with the developer to provide more appropriate detailing. Mrs Purnell used her discretion as Chairman and invited the agent to comment on the matter. The agent explained the elevation on plot 7 did have window detailing and should not have been presented as a blank elevation.

Following the discussion Rev. Bowden proposed the application be deferred for further information be provided for the following reasons;

- The proposed nitrate neutrality measure
- The provision of a pedestrian refuse
- The integration of bird and bat houses within the dwelling houses
- Further detailing to be provided for plot 7
- The inclusion of a photographic record of the site before demolition for historical records

Mr Oakley seconded the proposal.

In a vote the Committee agreed to endorse the amended recommendation to **defer for further information**, for the reasons set out above.

Recommendation; **defer for further information**, for the reasons set out above.

**members took a ten minute break*

202 **CC/22/00033/FUL - 10 Lavant Road, Chichester, West Sussex, PO19 5RQ**

Mr Thomas presented the report to Committee. He drew their attention to the Agenda Update sheet which included an Addendum to the report and an Addendum to the Decided Plans table.

Mr Thomas outlined the site location and explained the application sought permission to vary the approved plans granted as part of the permission for CC/20/03342/FUL. The variation would include the introduction of two roof lanterns which would replace the four rooflights previously approved.

Mr Thomas showed the Committee the proposed elevations and the revised locations of where the roof lanterns would be installed. He confirmed that the lanterns would not be visible from the front of the building.

The Committee received the following representations;

Mr John Ellis – Objector

Mr Keith Bartlett – Objector (Statement read out by Mrs Fiona Baker)

Mrs Kerry Simmons – Agent

Officers responded to Members' comments and questions as follows;

In response to a question regarding the appearance of the lanterns; Mr Thomas confirmed that in officer opinion the lanterns would not have a detrimental impact upon the character of the area.

With regards to Condition 2; Mr Thomas informed the Committee that the condition had been pulled through from the original application, he confirmed that officers believed it was still applicable and could be enforced if required. Mr Thomas clarified that Condition 2 addressed the issue of external light only, a separate condition could be added to address the issue of potential light pollution from internal lighting and the provision of roof blinds. Ms Stevens confirmed that officers would be accept the additional condition which could also include the requirement for blinds to be shut from dusk till dawn.

On the matter of an additional restrictive use condition; Mr Thomas confirmed that a condition could be included to restrict the mezzanine floor to living accommodation only.

In a vote the Committee agreed to endorse the report recommendation to **permit with S106**, including the additional conditions as agreed.

Recommendation; **permit with S106**; subject to the conditions and informatives set out in the report and the additional conditions as agreed.

**Members took a five minute break*

203 **TG/21/03561/FUL & TG/21/03562/LBC - Spitfire Court, Jerrard Road, Tangmere, PO20 2GR**

Mr Young presented the report to Committee.

He outlined the site location and confirmed that the site was within the Tangmere Conservation Area and explained that the proposal sought permission, along with listed building consent to undertake repair works to the windows and doors of the existing building, including 51 crittal windows, 29 timber windows and the replacement of some cracked windows.

Mr Young showed various elevations to the Committee. He highlighted Flat 7 and informed the Committee that this accommodation would experience the most significant repair work. He explained that the building had been converted into flats during the 1980's.

Mr Young drew the Committee's attention to the Agenda Update sheet which set out an Addendum to the History.

The Committee received the following representation;

Cllr Andrew Irwin – Tangmere Parish Council

Officers responded to Members' comments and questions as follows;

On the issue of thermal efficiency and listed building status; Mr Broadway informed the Committee that Historic England advised a whole building approach be adopted when trying to improve the thermal efficiency of a listed building. He explained that he had made the applicant aware of this during the pre-application stage and highlighted the range of measures available to them. As a point of note he informed the Committee that only 10% of a buildings heat was lost through its windows.

With regards to secondary glazing; Mr Broadway informed the Committee that officers had advised the applicant they should do. He explained that the current windows were installed during the 1920's and were made from slow growing nordic spruce, which will last for a long period of time if they are correctly maintained and repaired. In addition, officers have recommended modern seals and draft excluders (which were not originally fitted) be included within the repair and restoration work.

In a vote the Committee agreed to endorse the report recommendation to **permit**.

Recommendation; **permit**; subject to the conditions and informatives set out in the report.

**Mr McAra left the meeting a 12.30pm*

**Members took a five minute break.*

204 **DEFRA Consultation on Biodiversity Net Gain**

Ms Stevens presented the report to the Committee. She explained the purpose of the report and provided an overview of what was meant by Biodiversity Net Gain (BNG) and how it had evolved within a policy context.

Ms Stevens informed the Committee that there are currently no specific requirements to identify how much BNG should be delivered, however, a requirement of the Environment Act is for development to deliver a BNG of 10%, it is anticipated that this will be mandated from 2023.

The purpose of the consultation is to assist DEFRA in understanding the processes for implementing BNG within the planning process.

Ms Stevens explained the proposals for how BNG could be achieved, including on-site measures, off-site measures or through a national credit scheme. However, she stressed that it was considered important on-site BNG should be sought in the first instance.

Ms Stevens explained that Sussex Nature Partnership would be submitting a separate response to the consultation and confirmed that officers from the Environmental Team would be assisting in that response.

Ms Stevens advised the Committee that the consultation closed on 5 April and asked members to forward any additional comments within 7 days of the committee meeting to allow officers to consider them ahead of the formal response being submitted.

Officers responded to Members' comments and questions as follows;

On the matter of what would be defined as a small site; Ms Stevens informed the Committee there was a recommendation included within the consultation which stated there should be two metrics applied when calculating the BNG of a small site, one being a development under 10 dwellings and the second being small sites under 0.2ha. She agreed that further clarification could be provided in the answer submitted.

On the matter of reporting and monitoring BNG: Ms Stevens highlighted to the Committee that going forward there was a resource issue which would need addressing to ensure appropriate reporting and monitoring could be achieved.

On the issue of Change of Use applications; Ms Stevens agreed that the response could be further clarified to identify between applications where BNG may be achievable; such as agricultural barns to accommodation and developments where garden areas are proposed.

On the matter of temporary applications; Ms Stevens acknowledged the comments made and agreed that further clarification could be given to the proposed response to distinguish where BNG could be applied on longer term temporary applications.

With regards to current applications; Ms Stevens advised the Committee that applications received could only be assessed against the planning policies in place at that time. BNG is not mandatory and is not included within the adopted Local Plan, however, officers do seek to promote and preserve biodiversity.

On the matter of biodiversity credits; Ms Stevens acknowledged comments made by the Committee and agreed to feed them back for consideration.

On the issue of biodiversity credits; Ms Stevens acknowledged the comments made by the Committee and agreed to amend the response to reflect the strong opposition to them.

Following a vote, the Committee agreed to make the report recommendation;

Resolved;

That the Planning Committee;

- 1) **Note the contents of the Department for Environment, Food & Rural Affairs (DEFRA) Consultation on Biodiversity Net Gains Regulations and Implementation, and;**
- 2) **Have commented on, and endorse, the proposed Council response set out in Appendix 1.**

**Members took a five-minute break*

205 **Water Resources in Northern Chichester District - REPORT TO FOLLOW**

Before inviting Ms Stevens to present the report. Mrs Purnell reminded the Committee that the appendix to the report was confidential and should not be discussed in public. If any discussion on the part two paper was required, the Committee would have to take a vote to go into private session.

Ms Stevens presented the report to the Committee. She outlined the report and the reason for the proposed recommendation.

There were no comments or questions from the Committee.

Following a vote, the Committee agreed to make the report recommendation;

Resolved;

That the Planning Committee;

- a) **Note the content of the report**
- b) **Agree the date of publication of the Natural England Position Statement on 14 September 2021 as the date at which the Position Statement became a material planning consideration, and;**
- c) **Revoke the resolution of the Planning Committee on 2 February 2022 to; Approve the date of publication of the Natural England position statement on 14 September 2021 as the date at which water neutrality is a material consideration, and consequently that its requirements are not applied retrospectively in respect of the determination of relevant planning applications, including applications for the revocation, modification or discontinuance of a permission on water neutrality grounds granted prior to that date.**

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

There were no late items.

207 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.18 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 6 April 2022

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)
- 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:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South 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 G A F Barrett – Manhood Peninsula Partnership
- Rev. J-H Bowden – Goodwood Aerodrome Consultative Committee
- 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:

- Mrs D Johnson – Chichester Harbour Conservancy

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:

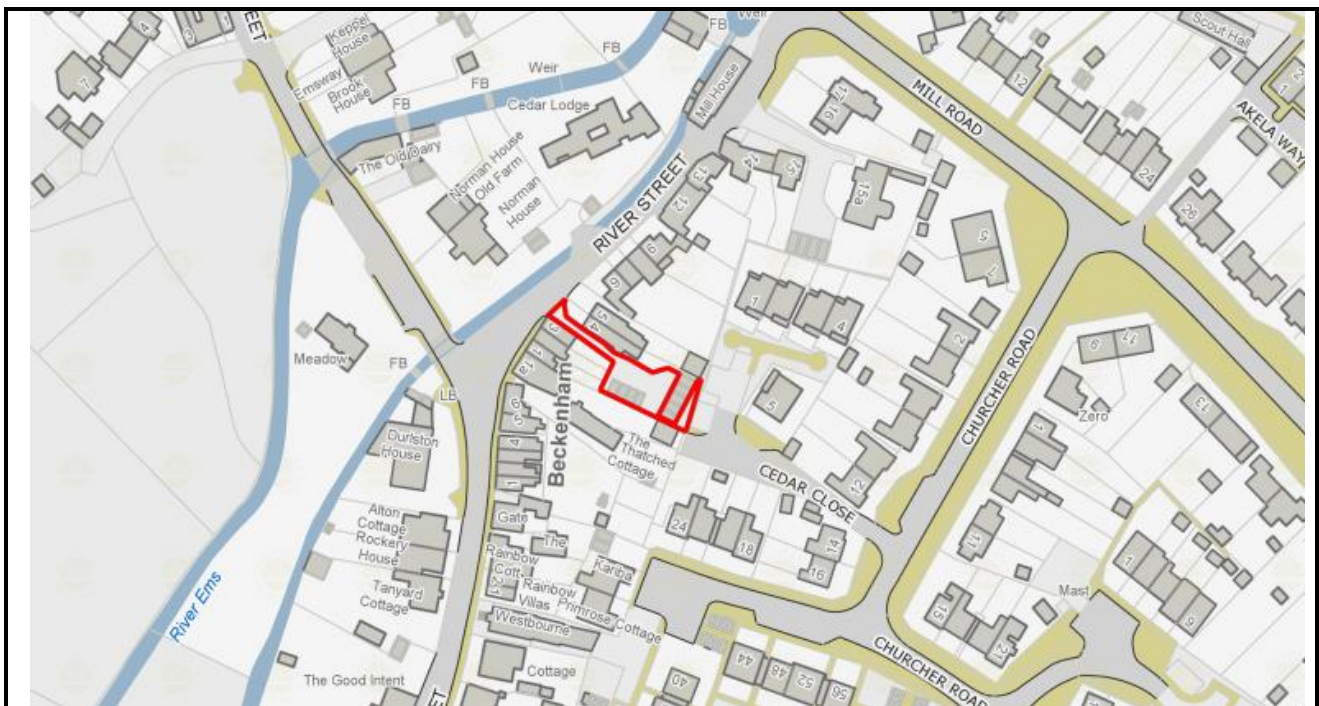
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Westbourne	Ward: Westbourne
-----------------------	---------------------

WE/21/02985/FUL

Proposal	Demolishment of row of 4 no. garages, replaced with new garage building including solar panels.		
Site	River Street Garages River Street Westbourne West Sussex		
Map Ref	(E) 475777 (N) 107783		
Applicant	Mr Whitehouse	Agent	Mr Jonathan Spivey

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<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>
--	---------------------	--

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site consists of a building containing 4 no. garages sited within the south west section of the site. The existing garage building is constructed from concrete with a corrugated Fibre Roof Sheet. There is another building to the south east of the site which consists of 5 no. additional garages. The existing garages are accessed from River Street via an access road between 3 and 4 River Street. The application site is located within the Westbourne Settlement boundary and is within the Westbourne Conservation Area.

3.0 The Proposal

3.1 Planning permission is sought for the demolition of the row of 4 no. garages, replaced with new garage building containing 3 no. garages including solar panels.

4.0 History

None relevant

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Further Comments (14.02.22)

Westbourne Parish Council objects to the planning application as it deprives local residents the opportunity to park in what is a congested area of the village where there is little available parking space.

Original Comments (22.12.21)

Westbourne Parish Council objects to the planning application. The Council recommends that the application is refused unless more information is provided, including about the ownership of the garages and the need for solar panels. The Council would like to know if the garages are to be used for parking residents' cars, as parking is scarce in this part of the village, and not for commercial use which could put more pressure on local roads.

6.2 WSCC Local Highway Authority

This proposal is for the demolition of an existing garage block and erection of a replacement garage block. The site is located on River Street, an unclassified road subject to a speed restriction of 20 mph.

The existing garage block has parking provision for four cars, with the proposed garage block providing provision for three cars: a loss of one car parking space. However, from inspection of the plans, the existing garage block has internal dimensions of 9.5m x 4.8m, which does not meet the minimum internal dimensions for garages as set out in Manual for Streets (MfS). Therefore, the LHA does not consider the existing garage as parking provision, as it is likely only large enough for a small car to be parked inside. It is not unreasonable for the LHA to believe they may be being used for other purposes (e.g. storage).

Notwithstanding the above, the LHA does not anticipate that the loss of one parking space will give rise to a highway safety concern or parking capacity issue. The LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

It should be noted that the proposed garage block has approximate internal dimensions of 7.5m x 6.3m, which also does not meet minimum MfS specifications. To be considered for parking provision, the LHA would expect a three-bay garage to have internal dimensions of at least 9m x 6m. Therefore, the LHA advises the applicant to widen the garage to meet these specifications. However, the LHA acknowledges that the proposed garage bays will be larger than that of the existing.

From inspection of the plans, on-site turning appears achievable, allowing vehicles to exit the site in a forward gear. Access to the maintained highway will be unaffected by the development, although the LHA advise a condition securing a Construction Site Set-Up Plan to ensure that access remains unobstructed during the construction phase of the development.

In 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 111), and that there are no transport grounds to resist the proposal.

6.3 Environmental Agency

We have no objection to the proposal as submitted

6.4 CDC Environmental Strategy

Bats

Following submission of Preliminary Ecological Appraisal (May, 2021), we are happy that the lighting mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that if a bat is found then works will need to stop immediately and Natural England consulted.

Nesting Birds

As noted in the Preliminary Ecological Appraisal (May, 2021) the garages have low nesting potential. A precautionary approach should be used and the demolition of the garages undertaken outside of bird nesting season, which takes place between 1st March - 1st October. If this is not possible then a suitably qualified ecologist must check the buildings no more than 24 hours before demolition of the garages. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. A condition should be used to ensure this.

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 (within 24 hours of any work).

Hedgehogs

Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

6.5 CDC Drainage

Flood Risk: The site of the existing and proposed garages is wholly within flood zone 2/3 (moderate/high risk). Because the risk (vulnerability) remains unchanged we have no objection to the proposed use, scale or location based on flood risk grounds.

The proposal involves no change to the existing surface water drainage, but with a reduction in impermeable area which is acceptable in principle. Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

6.6 Third party objection comments

Six letters of objection has been received concerning

- a) Require confirmation of the waste materials being removed as being non hazardous and how the waste materials will be removed from site.
- b) Require commitment from the developer to restore and make good any damage to the driveway and or our property.
- c) There is no indication of any timescale for the proposal.
- d) The proposal would encroach on land owned by 1, 2 and 3 River Street.
- e) The proposed pitched roof of the garages and increased in height of the roof would reduce light level within the adjacent gardens and impact the outlook from the adjacent gardens.
- f) The area behind the existing garages is used as a walkway and bin store. The proposal would reduce this walkway and would taper at one end. Which would effect the wheeling of bins for the properties to collection points.
- g) The proposed pitched roof would result in increased surface water run off and could result in flooding. Drainage provisions are unclear.
- h) There are currently no provisions for any large commercial vehicles to safely park whilst building work is ongoing to this proposed development. This could result in safety issues for pedestrians and could block access to other garages.
- i) The site of this proposed development is near two listed properties. The proposal stating two significant pitched roofs with solar panels adjoined would impact the overall visual from each of the neighbouring properties.
- j) The property's surrounding the garage area are of traditional build and are sympathetic to the area. The build methods described In the plan are not of this nature ie solar panels.
- k) The proposed footprint is twice as large as existing structure making access difficult down what is already a hard access point.
- l) The proposal is not parallel with the existing rear boundary of the site.
- m) The increase in height and area of the garages would affect the local environment.
- n) The current buildings have trees and shrubs along one side, and are used by nesting birds.
- o) There is a pond within 30 metres of the development which contains newts.
- p) The existing roof of the garage consists of corrugated panels and is not a felt roof.

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. The Westbourne Neighbourhood Plan was made in September 2021.
- 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 6: Neighbourhood Development Plans
Policy 33: New Residential Development Plans
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity

Westbourne Neighbourhood Plan

OA1 - Sustainable Development
LD1 - Local Distinctiveness
LD2 - Heritage
BD2 - Natural Environment Policy

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 July 2022. 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 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), 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.

7.5 Consideration should also be given to sections 2 (achieving sustainable development), 4 (decision making), 12 (achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), and 16 (Conserving and enhancing the historic environment).

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Surface Water and Foul Drainage SPD

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 development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Impact Upon Heritage Assets
- v. Ecological Considerations
- vi. Impact upon highway safety and parking
- vii. Drainage

Assessment

i. Principle of development

8.2 The site is located within the Westbourne settlement boundary area. Policy 2 of the Chichester Local Plan (CLP) and Policy OA1 of the Westbourne Neighbourhood Plan (WNP) includes a presumption in favour of sustainable development within settlement boundaries. Therefore, the principle of the demolition of the existing garages and construction of replacement garages is considered acceptable, subject to other material planning considerations.

ii. Design and impact upon character of the surrounding area

8.3 Policy LD1 of the WNP requires new development to integrate into the existing surroundings, reflecting the local vernacular and character, whilst providing appropriate means of enclosure, planting and provision for sustainable means of travel.

8.4 The proposal by reason of its size, scale and detailed design is considered to be an appropriate form of development. The proposal would represent an overall improvement compared to the existing garages in terms of design and materials. Plus, the pitched roof design includes PV Panels. The incorporation of 2 pitched roofs would reduce the mass and bulk of the roof and its pitch or angle facilitates the installation of PV panels. The proposed PV Panels would be located on the south west roofslope of the garages and therefore would not be readily visible from the street scene of Westbourne Conservation Area. It is noted that the siting and orientation of the proposed garage differs from the existing. This repositioning allows for improved vehicular access and manoeuvring to and from the proposed garages. In summary the proposed design scale and position would not have a detrimental impact upon the character of the surrounding area or accessibility of the other garages.

iii. Impact upon the amenity of neighbouring properties

8.5 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the CLP includes a requirement to protect the amenities of neighbouring properties.

8.6 A number of concerns have been raised by local residents concerning the impact of the proposal upon neighbouring amenity and upon the existing walkway to the rear of dwellinghouses. The proposed garage would be parallel with the walkway that third parties have advised is used for bin storage and movement of bins to bin collection points. Concerns have been raised that the proposed garage would result in the narrowing of this walkway to the north. The existing walkway measures approximately 1.42m in width, while the proposed walkway would be tapered and slightly narrower towards to north, the proposed floor plans show that walkway would be approximately 1.32m in width at the narrowest end. It is considered that this would likely be acceptable and should be sufficient to allow for the storage and movement of bins.

8.7 It is noted that the proposed garages would represent an increase in height compared to the existing garage (approximately 1.34m). While this would have some impact on the outlook of the adjacent gardens, it is considered that this would not result in overbearing impacts. In addition, it is considered that the proposal due to its orientation and roof form consisting of two pitched roofs would not have result in an unacceptable loss of light.

8.8 Overall, it is considered that the development complies with policy 33 of the CLP and paragraph 130 of the NPPF.

iv. Impact upon Heritage Assets

8.9 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, policy 47 of the CLP requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets, whilst policy LD2 of the WNP seeks to ensure the historic environment of the parish is preserved or enhanced.

8.10 The proposal has been referred to the Council's Conservation and Design Officer during the course of the application. It is considered that the proposed garage building would not adversely impact upon the setting of the nearest listed buildings due to a reasonable separation from the application site. In addition, the proposal would replace an outworn building which would contribute to the character of the Westbourne Conservation area, due to its siting. In fact, it is considered that the proposal would represent an improvement in overall materials and design compared to the existing building. Overall, there are no issues of impact upon listed buildings or Westbourne Conservation Area arising from the proposal. The proposal therefore complies with national and local planning policy in this respect.

v. Ecological Considerations

- 8.11 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced.
- 8.12 A number of concerns have been raised by local residents regarding ecological impact of the proposal. A Preliminary Ecological Appraisal was submitted as part of the application and stated that the garage has a 'negligible' potential for bats and low potential for nesting birds. Following consultation with the Council's Ecology Officer, there is no objection to the proposed lighting mitigation and if evidence of bats is found all works should cease and Natural England should be consulted. Plus, that a precautionary approach should be taken with the demolition of the garages undertaken outside of bird nesting season, which takes place between 1st March - 1st October. If this is not possible then a suitably qualified ecologist must check the buildings no more than 24 hours before demolition of the garages. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. In addition, any brush piles on the site must be removed outside of the hibernation period for hedgehogs mid-October to mid-March inclusive and a hedgehog nesting box should be installed on site.
- vi. Impact upon highway safety and parking
- 8.13 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan requires the development should not create or add to problems of safety, congestion, air pollution or other damage to the environment. The WNP seeks to mitigate the impact of parking within Westbourne and the level of parking provision should be in accordance with current West Sussex County Council guidance.
- 8.14 The proposal would utilise the existing vehicular access to the application site. The existing garage block has parking provision for 4 no. cars. Whereas the proposed building would provide parking for 3 no. cars. Therefore, it would result in the loss of 1 no. parking space. WSCC Highways have advised that the loss of 1 no. garage parking space would not give rise to a highway concern or parking capacity issue. It is also noted that the proposed garages would be larger than the existing on the site. In addition, it is advised that on-site manoeuvring appears more achievable, allowing vehicles to exit the site in a forward gear. It is therefore considered that whilst there would be a loss of 1 parking space, it is likely that the garages would be more useable and as such may secure use in the longer term, which in turn may have a positive impact upon parking with Westbourne. The existing vehicular access to the highway would be unaffected by the proposal. A construction management condition is recommended to ensure that access remains unobstructed during the construction phase of the development and to control hours of work in order to protect local residential amenity.
- 8.15 Overall, this proposal does not constitute a significant change in the current level of parking on the site and therefore would not adversely impact upon highway safety or have cumulative impacts on the operation of the highway network. Therefore, there is no objection on highway grounds it complies with the National Planning Policy Framework (paragraph 111), plus the Council's Local Plan.

vii. Drainage

- 8.16 Policy 42 Flood Risk and Water Management of the Chichester Local Plan requires that developments will be safe, including access, without increasing the risk of flooding elsewhere.
- 8.17 A number of concerns have been raised by Third Parties regarding ecological impact of the proposal. The application site is located within Flood Zone 2/3 (moderate/high risk). The Council's Coastal and Land Drainage Engineer has been consulted and has advised that the risk would remain unchanged for the site and they would have no objections to the proposed use, scale or location on flood risk grounds. In addition, the Environment Agency were consulted during the course of the application and advised that they have no objection to the application. The proposal involves no change to the existing surface water drainage, but with a reduction in impermeable area which is acceptable in principle. No conditions would be required in relation to surface water drainage due to the scale of the proposal. It should be noted that surface water drainage should be designed and constructed to meet building regulations.
- 8.18 Overall, there are no issues of drainage arising from the proposal.

Conclusion

- 8.19 Based on the above it is considered that the proposal complies with development plan policies 1, 2, 6, 33, 39,42,47,48 and 49 of the Chichester Local Plan and OA1, LD2 and BD2 of the Westbourne Neighbourhood Plan. The design of the 3 garages is more compatible with the character of the Conservation Area and would benefit from improved access to the new garages within the courtyard area. It replaces an existing garage block which is in poor condition and sub-standard in terms of internal parking space. Therefore, the application is recommended for approval subject to conditions.

Human Rights

- 8.20 In reaching this conclusion the Human Rights of the applicants and affected parties have been taken into account and the recommendation is considered to be justified and proportionate. The application has been assessed, upon its own merits in line with National and Local Planning Policy and the recommendation is to permit.

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) No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

4) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:
a. the installation of a hedgehog nesting box within the site.
Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

5) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal, prepared by ecosupport (May 2021) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

6) The following ecological mitigation measures shall be adhered to at all time during construction;

a. A precautionary approach should be used and the demolition of the garages undertaken outside of bird nesting season, which takes place between 1st March - 1st October. If this is not possible then a suitably qualified ecologist must check the buildings no more than 24 hours before demolition of the garages. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

b. Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Reason: In the interests of protecting biodiversity and wildlife.

7) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority. Any hard surfacing shall be constructed to ensure that it is permeable and it shall thereafter be maintained as such in perpetuity.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments and in the interests of the amenity of the area.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external lighting on the site other than in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the proposed location, level of luminance and design, including measures to prevent upward light spillage. Thereafter the lighting shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of the area and the habitats of wildlife.

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 - THE LOCATION AND BLOCK PLAN	2000	a	11.10.2021	Approved
PLAN - EXISTING AND PROPOSED FLOOR PLANS	2100	a	11.10.2021	Approved
PLAN - PROPOSED ELEVATIONS	2210	a	11.10.2021	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) 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 Rebecca Perris on 01243 534734

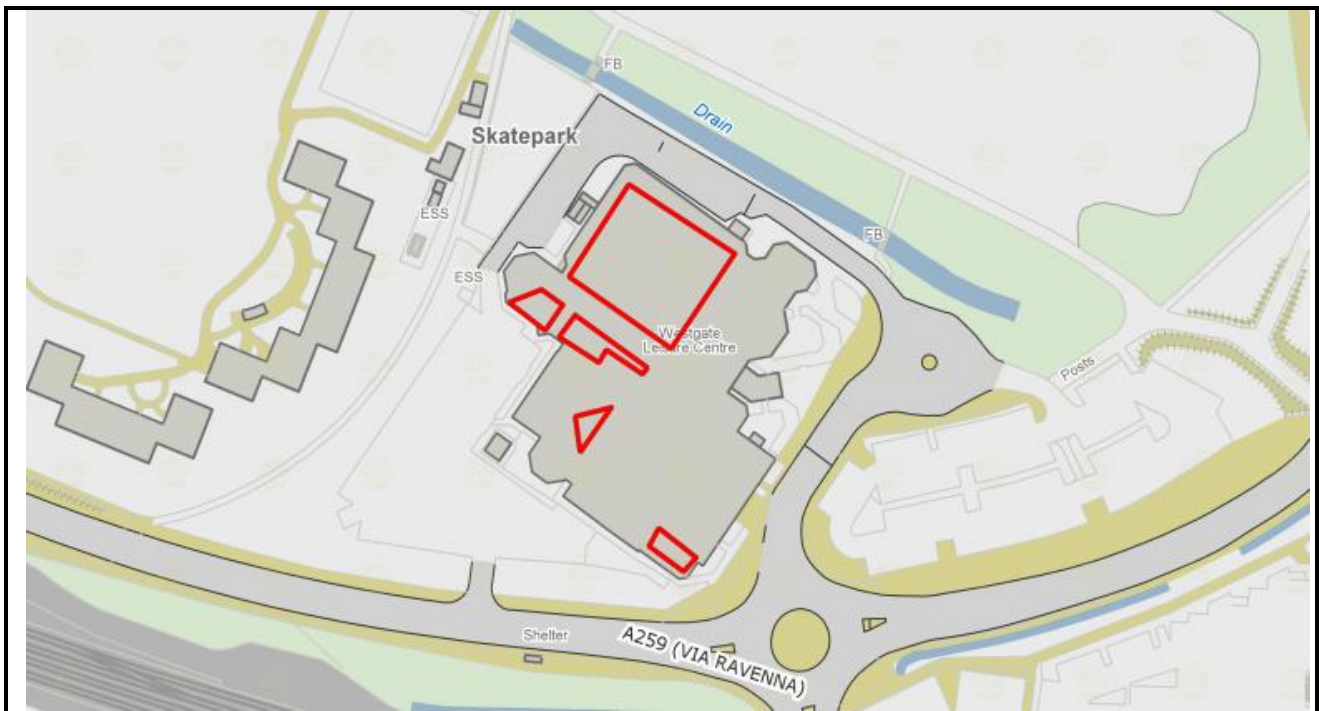
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0P7GUERGE300>

Parish: Chichester	Ward: Chichester Central
-----------------------	-----------------------------

CC/22/00496/PA14J

Proposal	Solar panel installation.		
Site	Westgate Leisure Centre Via Ravenna Chichester West Sussex PO19 1RJ		
Map Ref	(E) 485528 (N) 104455		
Applicant	Chichester District Council	Agent	Mr Martin Cruickshank

RECOMMENDATION PRIOR APPROVAL REQUIRED HEREBY PERMITTED



	<p>NOT TO SCALE</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>
--	----------------------------	--

1.0 Reason for Committee Referral

1.1 Chichester District Council is the applicant.

2.0 The Site and Surroundings

2.1 The application site is a leisure centre located within the defined settlement of Chichester. The building is located outside of Chichester Conservation Area, which is to the north of the site.

2.2 The site comprises a large building which includes a swimming pool, fitness gym, exercise studios, sports hall, health suite and café. The building is set back from the A259 which runs along the southern boundary. There are trees along the northern, western and southern boundaries of the site. Car parking is located to the east and west of the building. Accommodation for Chichester College is located further to the west.

3.0 The Proposal

3.1 The application is for prior approval for the installation of solar thermal and solar photovoltaic equipment on the roofs under the permitted development rights afforded by Schedule 2, Part 14 and Class J of the Town and Country (General Permitted Development) Order 2015 (as amended).

3.2 The proposal comprises a mixture of solar thermal and solar photovoltaic equipment on the flat roof element the pool hall, and solar photovoltaic panels in four other groups on the pitched roofs serving the plant room, changing room, fitness suite and equipment store.

4.0 History

84/00812/CC	PER	Outline - Sports and leisure centre.
85/00258/CC	PER	Sports and leisure centre.
88/00698/CC	WDN	One illuminated externally static sign.
85/00478/CC	PER	Minor alterations to position of building - sports and leisure centre and access road.
98/02742/REG3	PER	Extension and alteration to form enlarged health, fitness and creche facilities.
99/02909/REG3	PER	Provision of temporary access by contractors vehicles and personnel involved in the construction of an extension and alterations to the existing leisure centre.

00/01586/REG3	PER	Skate Park/rollerblading facilities, including all weather tarmac surface, 2.4m fencing, lighting, seating and new footbridge to cycle/walkway.
07/04666/ADV	PER	Replacement of 2 no. existing signs with 3 no. individually applied lettering signs.
10/05166/COU	PER	Extension of outside nursery/play area.
15/01481/FUL	PER	Construction of new timber framed, purpose built baby room for Nursery School.
16/01670/ADV	PER	1 no. internally illuminated sign and 2 no. non-illuminated signs.

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**

None received.

6.2 **West Sussex County Council Highways**

This application is for the installation of solar panels. The site is located on a private access road off of Via Ravenna Roundabout, part of the A259, subject to a speed limit of 30mph in this location.

The proposed solar panels will be located on the roof of the existing building and as such no highway safety concerns would be raised to the proposal. All maintenance vehicles associated with the solar panels would likely service the site via the existing private access and given the use of the site, no intensification of use would be anticipated through service/maintenance of the solar panels.

The proposal is not anticipated to have any impact on the existing parking provision for the leisure centre.

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 111), and that there are no transport grounds to resist the proposal.

6.3 Third party comments

The Chichester Society comment that the Executive Committee supports this proposal for the substantial contribution to increasing renewable energy sourcing in Chichester.

7.0 Planning Policy

7.1 The application is for prior approval for the installation of solar thermal and solar photovoltaic equipment on the roofs under the permitted development rights afforded by Schedule 2, Part 14 and Class J of the Town and Country (General Permitted Development) Order 2015 (as amended).

7.2 As such the only relevant considerations are an assessment of the proposal against the requirements of Schedule 2, Part 14 and Class J of the Town and Country (General Permitted Development) Order 2015 (as amended).

7.3 The development subject of this application is permitted by these rights subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. In considering this, the Local Planning Authority must have regard to the National Planning Policy Framework July 2021, so far as relevant to the subject matter of the prior approval.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. 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.

7.5 Consideration should also be given to sections 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 16 (Conserving and enhancing the historic environment).

8.0 Planning Comments

8.1 The main issue arising from this proposal is:

i) An assessment of the proposal against the criteria, conditions and relevant considerations within Schedule 2, Part 14 and Class J of the Town and Country (General Permitted Development) Order 2015 (as amended).

8.2 Westgate Leisure Centre currently has electricity and heat provided by a gas-fired Combined Heat and Power Plant. Top-up heating is provided by two condensing gas boilers. The centre also has comfort cooling delivered by centralised chillers and wall-mounted cooling units. The project aims to minimise the site's consumption of fossil-fuel energy sources and to meet some of the site's energy demand from renewable sources. The proposal is to mount solar thermal and PV panels on some of the roofs. This will reduce the need for the Combined Heat and Power Plant and gas boilers to operate.

8.3 Schedule 2, Part 14 and Class J of the Town and Country (General Permitted Development) Order 2015 (as amended) provides permitted development rights for the installation or alteration etc of solar equipment on non-domestic premises. Class J sets out when development would not be permitted by these permitted development rights. This is assessed below:

J.1 Development is not permitted by Class J if—

(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

Complies – The equipment installed on pitched roofs would protrude 0.07m beyond the plane of the roof slope

(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

Complies – The equipment on the pool hall roof will be at two angled heights, which would be 0.3m lower than the highest part of the crown roof.

(c) the solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;

Complies – None of the equipment would be installed within 1 metre from the external edge of that roof.

(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;

Complies – The building is not on Article 2(3) land

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Complies – The site is not designated as a scheduled monument

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Complies – The equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

J.2 Development is not permitted by Class J(a) or (b) if—

(a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

Complies – The equipment would not be installed on a wall

(b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or

Complies – The equipment would not be installed on a wall

(c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

Complies – The building is not on Article 2(3) land

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Complies – The electrical generation capacity would not exceed 1 megawatt

- 8.4 The proposed equipment would be visible from outside of the site given the size of the building, however this would be viewed in the context of the existing leisure centre development as well as the development further to the south. The proposed siting on the south-west and south-east facing roofslopes, and the recessed design of the pool hall roof would minimise any potential views from the more open, undeveloped character of the open space to the north and north east, and the proposal is considered to preserve the setting of the conservation area.
- 8.5 It is a standard condition of the permitted development rights that the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed, which would protect the amenity of the area should the equipment no longer be needed.
- 8.6 There is approximately 37m from the closest point of the proposed works and the Chichester College building to the west, with tree screening along the boundary. Having regard to the separation distance and boundary treatment it is not considered that the proposal would have an adverse impact upon amenity through glare.
- 8.7 WSCC Highways have commented that they do not consider that this proposal would have an unacceptable impact on highway safety and officers consider it to be acceptable in this regard.

Conclusion

8.8 Based on the above assessment the proposal complies with the requirements of Schedule 2, Part 14 and Class J of the Town and Country (General Permitted Development) Order 2015 (as amended) and would constitute permitted development. The application for prior approval is therefore recommended for approval.

Human Rights

8.9 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been considered and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PRIOR APPROVAL REQUIRED HEREBY PERMITTED subject to the following conditions and informatives:-

- 1) 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.

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 – SITE PLAN	001	V5	14.03.2022	Approved
PLAN – LOCATION PLAN	6085	6085	25.02.2022	Approved

For further information on this application please contact Martin Mew on 01243 534734

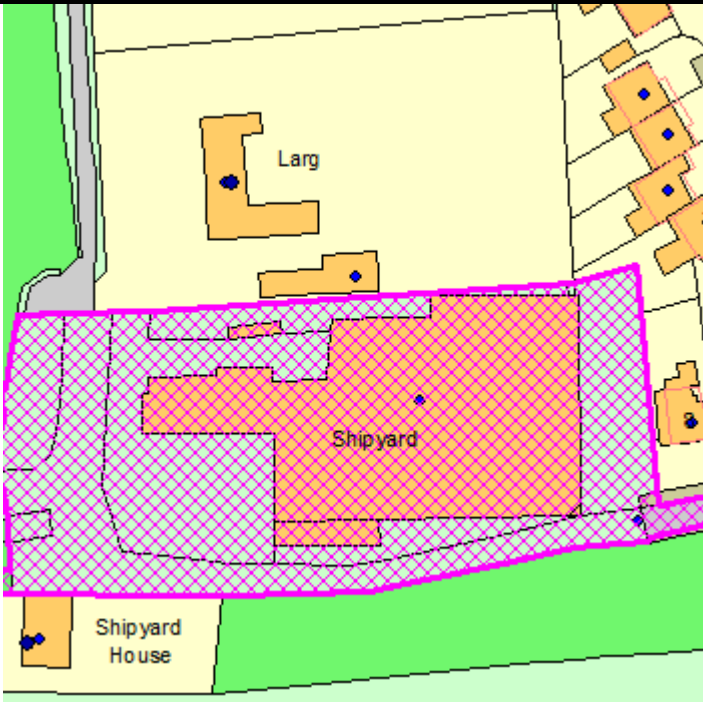
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7UT95ER0ZU00>


Parish: Bosham	Ward: Harbour Villages
-------------------	---------------------------

BO/21/00620/FUL

Proposal	Development comprising the demolition of existing B2 use shipyard buildings and structures and the erection of 3no. replacement C3 dwellings with access, parking, landscaping and associated works.		
Site	Burnes Shipyard Westbrook Field Bosham PO18 8JN		
Map Ref	(E) 480388 (N) 104217		
Applicant	Paul Peta Properties Ltd	Agent	Mr Paul White

RECOMMENDATION TO DELEGATE TO OFFICERS





NOT TO SCALE

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

1.0 Reason for Committee Referral

- 1.1 Red Card: Cllr Moss - Exceptional level of public interest
- 1.2 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site, known as Burnes Shipyard is located to the north of Windward Road, within the Parish of Bosham. The site occupies a waterfront location, with slipway access onto the foreshore and Chichester Harbour Area of Outstanding Natural Beauty (AONB) to the west. The site lies adjacent to the northern edge of the Bosham Conservation Area, with there being some views of the site from within the conservation area, particularly from the south.
- 2.2 The site is occupied by a variety of commercial buildings, including warehouse buildings and a two-storey office building. The structures vary in design, include flat and pitched roof structures, all approximately two storeys in height and occupying most of the site. The site has been redundant for more than twenty years, with the buildings in a poor state of repair with the site enclosed with safety fencing. Vehicle access to the site is via Windward Road, which mostly serves a neighbouring housing development (of 16 units) and there is currently a five-bar gated access into the site. A Public Right of Way (PRoW) runs along the southern and western boundaries of the site, providing access to the foreshore.
- 2.3 The character of the area is predominantly residential, with the site lying adjacent to the northern part of the Bosham Settlement Boundary, which includes an early 2000's housing development immediately to the east, and an earlier development beyond. The site lies to the north of Bosham Lane, which travels south towards Bosham Quay.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the demolition of the redundant shipyard buildings, and the construction of three replacement 4-bed dwellings, with associated access, parking and landscaping.

4.0 History

09/00193/FUL	REF	Redevelopment of Burnes Shipyard to include 22 residential units together with associated access, car parking and associated infrastructure.
09/00195/TPA	PER	Repollard (down to previous pollard points) on 21 no. Lombardy Poplar trees (marked on plan as 9,10,13 - 17,19, 21-33). Fell 1 no. Lombardy Poplar tree (marked on plan as no 18). Crown raise up to 8m (above ground level) on 1 no. Beech tree (T1) (marked on plan as 11) Raise crown to give 1m clearance from adjoining building on 1 no. Monterey Cypress tree (marked on plan as 20). All the trees are within G1 of BO/89/00062/TPO and BO/08/00168/TPO.

10/00714/TPA	PER	Various tree works - crown lifting upto 6m and removing any ascending branches to leave clear stems between 5 and 6 metres above ground level and cutting ivy on 14 no. Hybrid Poplar trees (marked on the plan as 36 - 41 and 43 - 50). Reduce by 50% (where previously pollarded), remove major deadwood below this point on 1 no. Lombardy Poplar tree (marked on plan as 42). All 15 no. trees are within Group, G2 subject to BO/89/00062/TPO.
19/00295/EIA	EIANR	Screening opinion - Proposed development comprising 3 dwelling houses and associated works including the demolition of existing buildings.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO (adjacent to Bosham CA)
Rural Area	NO
AONB	YES
Tree Preservation Order	YES
EA Flood Zone	
- Flood Zone 2	YES (partial)
- Flood Zone 3	YES (partial)

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments 09.02.2022

Bosham Parish Council maintains its object to this application. This site is outside of the Bosham Settlement Boundary, borders the Conservation area, the whole being set within the Chichester Harbour AONB. As we understand it, it remains designated as a marine/industrial/employment site and therefore, we must object on those grounds. Development in the Rest of the Plan Area (outside of the Settlement Boundary) is restricted to that which requires a countryside location or meets an essential local rural need. As this application is for market dwelling houses, it does not meet the test for the 'essential' need within this countryside location.

It is now ten years since the site was marketed as a marine/industrial site and throughout the pandemic of the last two years there has been a significant uptick in the use of smaller craft in the harbour, and particularly in the safe creeks in Bosham. 3.2.01 of Chichester Harbour Conservancy's Planning Principals states The Conservancy understands that the prosperity of marine businesses is cyclical. Once sites are lost from marine-related use, it is extremely unlikely that they will be replaced by new ones. It is therefore vital that sufficient marine site capacity is retained for the long-term viability of the Harbours marine

infrastructure and the boats and businesses that depend on them. The Conservancy is sympathetic to applications for alternative industrial uses where these do not harm the AONB and where reversion to marine industrial use is possible. In the past Bosham had at least 5 boatyards. All except Burnes Shipyard have been developed into market housing.

With regard to the substitute plans, we appreciate the footprints have been reduced but the height issue has not been addressed. The ridges of all three houses remain at the same height, between 2m and 2.2m higher than the neighbouring properties on the shoreline.

This site has been left to decay for at least 20 years, attracting antisocial behaviour, an eyesore on the harbours edge and misery for neighbours, whilst various planning applications have been lodged for private housing. We fully appreciate residents desire to see the site cleared, as does the Parish Council, but that is not a reason, in planning terms to grant permission.

Original comments 08.04.2021

Bosham Parish Council object to this application. This site is outside of the Bosham Settlement Boundary, borders the Conservation area, the whole being set within the Chichester Harbour AONB. As we understand it, it remains designated as an industrial/employment area and therefore we must object on those grounds. Although we accept the need for the derelict site to be improved, we object to the application in its present form. To overcome the tidal flooding problem, it is proposed to raise the height of the land and build upon that, thus making overall heights excessive when compared to neighbouring properties. When viewed from the water the proposed houses will create a built height some 4.00m higher than the northern neighbour, Burneside, and 3.50m higher than Shipyard House to the south. The applicants own figures show an increase in height above that of the existing shipyard buildings of 7.00m. Further, the arrangement of the houses on the site when viewed from the water, two on the western end of the site and the third behind filling in the gap between the two, will create a bulk and massing which would be out of character with the remaining water frontage, particularly when taking into account the open fields of the conservation area immediately to the south. We consider the architectural style of the houses inappropriate for this sensitive setting. The visual impact on the wider environment would be considerable.

It is intended to connect the foul water drain the Southern Water sewer. The foul water infrastructure serving the village is already failing and it is hard to believe another three connections will not exacerbate the unacceptable current level of CSO discharges of untreated effluent into the harbour.

We are unable to locate the Lighting drawing 21009814 cited in the Lighting Assessment. The elevation drawings of plot A and B show a considerable amount of glazing facing the harbour and we are concerned about the degree of possible light spillage having a negative impact upon the harbour and its wildlife.

Also of concern is the surrounding land which forms part of the shipyard site but is not included within the built areas. There is no indication of who will be responsible for its management

6.2 Chichester Harbour Conservancy (summarised)

Further comments 04.03.2022

The proposal for three elevated detached two-storey dwelling houses would fail to preserve and enhance the character and visual appearance of the Area of Outstanding Natural Beauty (AONB) in this location by the imposition of buildings with a design and scale that are not reflective of the context of this edge of village location bordering the Conservation Area and with clear views from the parish church which forms a characteristic vista associated with the village of Bosham. The absence of an AONB Visual Impact Appraisal Statement to clearly demonstrate the harm or lack of harm through suitable mitigation of the proposal is regretful. The proposal is not compliant with current AONB Planning Principles and the Joint AONB Supplementary Planning Document, and in particular:

- The proposal fails to preserve and enhance the visual landscape character of the AONB (PP01)
- Visual impact on a strategic landscape vista from Bosham Church and Conservation Area (PP01)
- Design, style, architectural appearance is not reflective of surroundings (PP03/PP04)
- Building composition, scale, bulk of the proposed three dwellings has undue prominence (PP04)
- Combination of buildings creating a street scene of excessive building bulk and profile (PP03/PP04)

The proposal for this industrial site would remove the prospect for replacement marine engineering, associated marine enterprise, or new industrial employment uses from the site that benefits from a coastal shoreline boundary. The loss of this site from employment use without a current and clear marketing justification or the sequential consideration of a robust case against any other employment land uses in preference to a residential housing development is considered to harm the economic opportunity of the site, the village of Bosham, and the local area in general. This is contrary to AONB Planning Principle PP02: Safeguarding Marine Enterprise, specifically:

- Loss of employment generating site to the local economy of Bosham and surroundings (PP02)

The proposal lies within an area of the AONB designated as countryside, although being outside the settlement boundary it is obviously considered to be 'brown field land' having previously been subject to development (the boatyard). The redevelopment of this site should take fully into account and address the requirements covered in relevant planning advice and guidance dealing with planning issues impacting on the AONB. The proposal is not compliant with current AONB Planning Principles and the Joint AONB Supplementary Planning Document, and in particular:

- Lack of residential land use justification within the AONB countryside designation (PP04)
- Wastewater sewerage systems capacity is not demonstrated or proven (PP04)
- Potential resultant recreational disturbance to wildlife within the AONB protected landscape (PP04)

- Requirement to secure contributions towards Solent Bird Aware Protocol not achieved (PP04)
- Lack of clear demonstration of reducing light sources from glazed & open areas of the site (PP09)

A cautious safeguarding 'on balance' assessment approach to register an objection to the proposal was made by the Chichester Harbour Conservancy Planning Committee based upon all relevant considerations when this proposal in its original form was considered in April 2021. The current amended plans submission proposal represents a slightly modified scheme without addressing the fundamental criteria highlighted when the original proposal that was considered. The current amended plans submission does not significantly address the concerns as raised at that time (notwithstanding the objection rebuttal document submitted), and still fails to adequately consider the sites redevelopment opportunities within the AONB protected national landscape. The proposal remains as being non-compliant with AONB Planning Principles PP01, PP02, PP03, PP04 and PP09.

Original comments 13.04.2021

Objection. The proposal would fail to preserve and enhance the character and visual appearance of the Area of Outstanding Natural Beauty (AONB) in this location by the imposition of buildings with a design and scale that are not reflective of the context of this edge of village location bordering the Conservation Area and with clear views from the parish church which forms a characteristic vista associated with the village of Bosham.

The proposal for this industrial site would remove the prospect for replacement marine engineering, associated marine enterprise, or new industrial employment uses from the site that benefits from a coastal shoreline boundary. This is contrary to AONB Planning Principle PP02: Safeguarding Marine Enterprise. The loss of this site from employment use to residential housing would harm the economic opportunity of the site and area in general.

The proposal would be contrary to the relevant planning principles (PP01 - PP04 and PP09). The response goes onto discuss aspects of the scheme in greater details, acknowledging the proposal would 'redevelop and poor quality and time-neglected former boatyard, but raises concerns with but in doing so fails to provide an exemplar alternative development fitting for this picturesque location on the fringe of Bosham village and within the heart of the AONB protected national landscape environment setting'.

6.3 Environment Agency (summarised)

No objection - subject to the six suggested conditions relation to securing the proposed flood mitigation measures and finished floor levels, and in respects of additional contaminated land requirements, verification report and surface water drainage details to be agreed by the LPA.

6.4 Natural England (summarised)

No objection - subject to appropriate (nitrogen neutrality) mitigation being secured

6.5 Southern Water (summarised)

No objection. A formal application for a connection to the public foul sewer will need to be made by the applicant or developer. Advises on the hierarchy of surface water disposal as set out within Part H3 of the Building Regulations.

6.6 WSCC Local Highway Authority (summarised)

This application is for the demolition of existing B2 shipyard buildings and erection of 3 x 4-bedroom dwellings. The site is located on Windward Road, a privately maintained road, consequently these comments are for advice only.

The nearest publicly maintained highway is at the junction with Moreton Road, an unclassified road subject to a speed limit of 30mph. Given that Public Right of Way 230/1 runs along Windward Road, WSCC as Highway Authority have consulted PROW and they may wish to provide separate consultation comments on the planning application.

Visibility at the junction with Moreton Road appears sufficient for the anticipated road speeds in this location. The addition of three dwellings is not anticipated to result in a material intensification of use of the junction over the potential for the existing B2 use of the site.

The proposed plans demonstrate a double garage for each dwelling which provide a minimum of 6 x 6m internal space. WSCC parking guidance sets out that each garage space can only be counted as 0.5 parking spaces given the increasing use of garages for ancillary storage rather than for parking. The WSCC Parking Demand Calculator anticipates that each dwelling would require 3 parking spaces.

There appears to be sufficient space on each site for this provision to be accommodated and for vehicles to turn within the site. The site is located within walking distance of bus stops and local facilities provided within Bosham village. Cycling is a viable option within the vicinity and secure and covered cycle storage can be accommodated within the proposed double garages. Details of this can be secured by condition.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

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.

Several conditions were recommended, including car parking spaces as per details, cycle parking and electric vehicle charging.

6.7 CDC Economic Development

The Economic Development Service does not support this application.

The loss of this employment and commercial space would be significant to the overall offer of this village location and the district. Any introduction of non-commercial use in this location needs careful consideration. Although it is very disappointing that the site has not been developed, the reality is there will be a small number of commercially viable developments on this site, given its constraints. Nonetheless, a full range of alternative commercial operations should be explored and presented before any change of use to residential is considered.

Furthermore, In line with Appendix E of the Chichester Local Plan 2014-2029, marketing evidence is required for applications seeking a change of use. Applications “need to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required.” Furthermore, para. E.6: information relating to the loss of employment land and use, states:

“In addition to the general criteria above, where a planning application may lead to the loss of an existing site currently in business use class (B1-B8) or similar sui generis uses to alternative uses (without satisfactory provision for replacement land/floorspace or relocation of existing businesses) supporting information will also be required to demonstrate that:

- The site/premises has been vacant for some time and has not been made deliberately unviable;
- The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a minimum of 2 years or a reasonable period based on the current economic climate;
- Alternative employment uses for the site/premises have been fully explored; where an existing firm is relocating elsewhere within the District, maintaining or increasing employment numbers will be acceptable; and
- For proposals involving a net loss of 2,000m² or more employment floorspace, the loss of the site will not result in an under-supply of available employment floorspace in the local area.”

As far as we can ascertain there has been no extensive marketing campaign or investigation into alternative commercial uses for the site. The loss of this commercial space to residential use will be permanent and reduces the economic base of the village/district for commercial and employment space. This is one of few sites which could improve access to the water for a range of commercial, tourism or community uses, all of which should be fully explored.

6.8 CDC Housing Enabling Officer (summarised)

No objection to proposed housing mix. The number of units will not attract an affordable housing contribution.

6.9 CDC Conservation and Design

Further comments 03.03.2022

The revised proposals reduce the mass of the three properties by trimming the extent of roof profiles and other extensions. Overall, this reduces their impact in views from the conservation area and is welcomed. The properties would still be visible from within the conservation area. However, this impact must be set against the existing situation, where derelict and manifestly poor-quality buildings on a brownfield site provide a clearly harmful contribution to the setting of the conservation area. The prominence of the design has been reduced by the latest proposals and given the good quality design, the poor existing situation I find that the proposals will have a positive effect on the setting of the Bosham Conservation Area.

Original comments

The site is a long redundant shipyard composed of dilapidated commercial buildings that lies adjacent to the northern boundary of the Bosham Conservation Area.

The key judgement in terms of heritage assets in this application is whether the proposals constitute an improvement to the setting of the Bosham Conservation Area. The present boatyard whilst of some functional historic relationship with the wider area is correctly identified in the Bosham Conservation Area Appraisal as "an eyesore on the edge of the Conservation Area" (2011). This assessment is valid, and the condition of the buildings has deteriorated still further in the intervening ten years, exacerbating the harm caused in this prominent location within the setting of the conservation area.

The proposals are subject to significant flooding considerations and the housing is significantly taller than it otherwise would be to accommodate this. The properties would be taller and more prominent than other nearby housing and this does assign a level of visual prominence to the development. The design is contemporary and doesn't have any particular relationship with the surrounding housing stock which is standard post war estate building.

The building types around the site, including Spindrift Mews and Moreton Road do not form a coherent part of the setting of the Bosham Conservation and any insistence that new development on the shipyard should mimic this type of development would in my view be likely to cause clear harm to the setting of the conservation area. It would also be a poor attempt at pastiche to somehow reimagine an interpretation of more historic housing types from the historic core of the conservation area on this site. As such, I find that the highly contemporary design creates welcome demarcation with other nearby housing stock.

The height and prominence of the proposals are a concern and they do introduce taller and more prominent structures close to the edge of the Conservation Area. The site would be readily visible from within the conservation area. However, this impact must be set against the existing situation, where derelict and manifestly poor-quality buildings on a brownfield site provide a clearly harmful contribution to the setting of the conservation area. The design of the buildings, whilst prominent is well considered and makes a welcome break with the design of other nearby housing. On balance, given the good quality design, the poor existing situation and taking into account the prominence of the proposals I find that the proposals will have a neutral impact on the setting of the Bosham Conservation Area and will not cause harm (less than substantial or otherwise) to that setting.

6.10 CDC Archaeology Officer (summarised)

I agree with the conclusions of the desk-based assessment with regard to the potential of this site to contain deposits of archaeological interest and for development of it to impact on them. I agree that there are no archaeological grounds for refusal and that the potential impact should be mitigated through a suitable programme of archaeological investigation of the site prior to, and if appropriate during, its development and that this should be secured via the imposition of a suitable condition, e.g., a version of standard condition PC19.

6.11 CDC Environmental Strategy (summarised)

The Preliminary Bat Roost Assessment concluded a negligible potential to support roosting bats overall and therefore did not recommend any further surveys. However, as a precaution for bats, any tile removal should be undertaken by hand. If any bats are discovered during the work, all works should be stopped, and a bat ecologist be consulted. If a bat roost is found, works must not proceed until Natural England has been consulted on the requirement of a protected species license.

Additionally, the lighting scheme for the site will need to take into consideration the presence of bats in the local area. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings, especially around the northern boundary of the property, by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the building / tree onsite facing south/south westerly positioned 3-5m above ground.

The treeline to the north of the site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the treeline (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Additionally, we require that gaps are included at the bottom of the fences to allow movement of small mammals across the site and two hedgehog nesting boxes included on the site.

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 which involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October - Feb) to ensure they are not disturbed by any increase in noise and dust. Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March -1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour. Further information will be required on the proposed occupation rates to calculate the contribution based

Enhancements should be provided in accordance with those proposed within section 6 of the Ecological Impact Assessment for the mitigation for the habitats of the site.

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include;

- 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
- Two hedgehog nesting boxes included on the site

6.12 CDC Environmental Protection (summarised)

A preliminary geoenvironmental and geotechnical assessment has been submitted by the applicants produced by TEC dated Jan 2019. The report has been undertaken in accordance with accepted guidance and includes a desk study, site walkover, conceptual model, and site investigation work. A risk assessment is detailed in section 8 and a refined conceptual model is presented in section 9. Section 11 presents conclusions from the site investigation and further recommended intrusive works are listed at 11.4.16. We agree with the conclusions of the report and recommend the following conditions are applied:

- Additional site investigation should be undertaken at the site as detailed at section 11.4.16 of the TEC report dated Jan 2019 in order to fully risk assess the site
- Following the additional site investigation work a remediation strategy should be developed and condition PC22 should be applied.
- In order to verify the remediation work undertaken a verification report should be submitted and it is recommended condition PO14 is applied.

It is noted that asbestos containing materials have been found within the made ground and on the surface of the site (both fibres and hard cement-like materials). The remediation strategy should detail the method of making safe and disposing of such material.

As the proposed development is located away from major roads and on the edge of the village, background noise levels and current air quality are considered likely to be good. It is considered that a good standard of thermal construction will enable both internal noise levels and air quality to be acceptable for future occupants and no additional design requirements will be necessary. The development is considered unlikely to impact local air quality and no further air quality assessment is required.

In order to mitigate the impact of the development the following should be incorporated (in accordance with the requirements of the WSCC parking standards):

- Secure, covered cycle storage facilities
- Electric vehicle recharging facilities.

A lighting statement has been submitted produced by D W Windsor Lighting consultants. The proposed external lights are considered acceptable and accord with the principle of minimising light pollution at the site. A condition should be applied to require the proposed lights to be put in place at the site.

6.13 CDC Coastal and Drainage

The site is partly within tidal flood zone 2 / 3 (significant risk). Therefore, you will have to be satisfied that the sequential and exception tests have been met / passed.

We are satisfied that the proposal will not increase flood risk elsewhere.

With predicted sea level rise it is essential that any new dwellings are resistant to flooding. The FRA is proposing "Finished floor levels shall be set no lower than 5.45 metres above Ordnance Datum (AOD)", this will exceed the 2115 1 in 200yr event so will make the properties suitably resistant to flooding.

We note the Environment Agency have been consulted and raised no objection subject to a number of conditions. We fully support the inclusion of condition 1, and subject to this and satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

The proposal is to drain the development using an existing outfall into a tidal waterbody (Chichester Harbour). This approach is acceptable in principle and should adequately drain the development.

The applicant will need to ensure / demonstrate that the condition of the existing outfall is sufficient, and a flap valve will almost certainly be required if one is not already present. If you are minded to approve the application, then to ensure the development is satisfactorily drained we recommend the following condition is applied:

Development shall not 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 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 scheme"

6.14 Planning agent comments

The site is located outside but immediately adjacent to the settlement policy boundary and conservation area of Bosham. It is located amongst existing residential properties and the whole area is within the harbour AONB.

It is a previously developed site with a prominent harbourside frontage. It is occupied by over 2000m² of dilapidated B2 industrial buildings and up until around 1990 they were used for boat building and maintenance. The last use for car repairs ceased in 1993.

To safeguard existing sites and their contribution to the local economy, Local Plan policy requires marketing and viability evidence to demonstrate that an employment site is no longer required or suitable for continued employment use.

Since its last use 29 years ago, it hasn't provided any employment whatsoever. An appeal inspector in 2014 said for viability reasons, there was no justification to retain the site for potential future marine related uses even for open boat storage. It isn't an existing employment site, isn't designated as an industrial/employment site in the Local Plan or the Bosham Neighbourhood Plan. It isn't listed as an employment site in the 2013 Employment Land Review Update.

Any resumption of the former activities would likely be regarded as a non-conforming use in a residential area in any event. And in 2015, Bosham parish council recognised the site was suitable for housing and included it as a preferred housing allocation in its own Submission draft Neighbourhood Plan.

As a result of illegal trespass and despite security fencing it has now become a focus for antisocial behaviour. The dilapidated buildings are a prominent eyesore detrimental to the visual amenity of the AONB landscape. The site is crying out for a new use that would be compatible with its neighbours.

The 3 proposed dwellings would be compatible and improve the visual appearance of the AONB. Compared to the floor area of the existing buildings the dwellings would have a footprint reduction of 66%.

To mitigate flood risk, the finished floor levels of the dwellings have been raised and will be of the order of 0.7m-2.97m higher than the nearest residential dwellings. No objections are raised by the Environment Agency or the Council's own flood and drainage officer.

The conservation and design officer comments the proposal does introduce higher and more prominent structures close to the edge of the Conservation Area. However, set against the existing derelict buildings on the site which cause harm to the setting of the conservation area and the good quality design of the proposed dwellings, it is considered to have a neutral impact and avoids harm to the setting of the Bosham Conservation Area. Support for the proposal amongst local residents outweighs objections by a factor of around 2 to 1.

6.15 Third party objection comments

Nine third party representation of objection has been received concerning the following matters:

- Concerns with the scale of the properties
- The view from the harbour would be adversely impacted
- Retention of PRoW
- It should be turned into a living museum
- Opportunity to give back to the community
- Shame to see the loss of the shipyard
- Noncompliance with marketing requirements
- Concerns with the conclusion of the viability report
- Flood risk
- Setting a precedent
- A clear up order should be issued to clear the site
- The existing buildings are reparable
- Road access for the site is no more difficult than other marinas within the district
- The findings of the previous appeal are relevant
- Concerns with the quality of the design
- Impact upon the conservation area
- The redevelopment of the site should allow for poor development
- Parking issues along Windward Road

Twenty-three third party representation of support has been received concerning the following matters:

- Support subject to retaining PRow
- Sensible proposal to redevelop the site
- Clear that commercial uses have not materialised, residential is the only option with this scheme being suitable
- The applicants have engaged with the community, addressing their concerns
- There is no prospect of a marine industry, after so many years of abandonment
- Long overdue for redevelopment
- The site has been an eyesore long enough
- The number of houses will result in modest traffic generation and have limited impact
- Issues of antisocial behaviour on the site, residential would resolve this
- The changing nature of the shipbuilding industry, including the use of fibreglass resulted in the closure of smaller shipyards. The loss of which hasn't reduced the number of boats on the water.
- The size and scale of the buildings are in keeping
- Quality materials
- Appropriate flood defences
- How long can the council allow the shipyard to continue to decay
- The surrounding area is now residential, where additional dwellings would be appropriate
- The residential use as opposed to a commercial use will result in better amenity for neighbouring properties
- The scheme is a suitable compromise, well designed and a vast improvement upon the current arrangements
- The reduced profile of the amended plans is even more appropriate
- Will provide much needed flood defences

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. The Bosham Neighbourhood Plan was made on the 19 July 2016.

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 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 26 Existing Employment Sites
- 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 43 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 44 Development around the Coast
- Policy 45 Development in the Countryside
- Policy 47: Heritage
- Policy 48 Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Bosham Neighbourhood Plan

The following policies are considered to be of relevance:

- Policy 2 - Archaeological Sites
- Policy 3 - Habitat Sites
- Policy 4 - Landscape Character and Important Views
- Policy 5 - Light Pollution
- Policy 6 - Biodiversity
- Policy 7 - Integration & Sense of Community
- Policy 10 - Footpaths & Cycle Paths
- Policy 12 - Housing Development
- Policy 13 - Settlement Boundary
- Policy 14 - Windfall Sites
- Policy 16 - Housing Density & Design
- Policy 17 - Housing Need
- Policy 18 - Flood Risk Assessment
- Policy 19 - SUDS Design & Management
- Policy 20 - Surface Water Run-off
- Policy 21 - Wastewater Disposal
- Policy 23 - Retention of Businesses
- Policy 24 - Broadband and Telecommunications

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 progressing. 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 July 2022. Following consultation, the draft 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 2023. However, at this stage, it is considered that limited weight can be attached to the policies contained within the Local Plan Review.

7.4 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design
- S23 Transport and Accessibility
- S27 Flood Risk Management
- S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands

National Policy and Guidance 2021

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), published 21st July 2021 which inter alia states:

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.

7.6 In addition, consideration should also be given to Sections 1 (Introduction) 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places), 14 (meeting the challenge of climate change, flooding, and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). In addition, the relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.7 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- Chichester Harbour Area of Outstanding Natural Beauty - Joint Supplementary Planning Document
- CHC Chichester Harbour AONB Management Plan (2014-2029) including Planning Principles
- CDC Waste Storage and Collection Guidance

Interim Position Statement for Housing Development

7.8 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 24 November 2021 there is a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings. This results in a surplus of 208 net dwellings which is equivalent to 5.3 years of housing supply.

7.9 Notwithstanding the above, to pro-actively manage the situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed.

The IPS, with the proposed revisions, was reported back to the 4 November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

7.10 At the time of writing, the Council can demonstrate a 5.3-year supply of housing and the new position statement which was November 2021 has been published. As a result of this, the Council are of the view that there is no longer a need to apply the tilted balance (Paragraph 11 of the NPPF). However, as per the requirements of Paragraph 74 of the NPPF, the Council are required to monitor and update its supply of housing annually. As a result of this, the Council has not withdrawn the IPS, and considered it appropriate to continue to assess development, outside of settlement boundaries against the criteria of the IPS. This approach shall ensure the Council can maintain the supply of housing, by continuing to approve appropriate housing development.

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the Bosham Conservation Area and Chichester Harbour AONB
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Environmental Protection
- vi. Sustainability
- vii. Ecological considerations
- viii. Impact upon trees
- ix. Flood Risk and Surface Water Drainage
- x. Nutrient Neutrality
- xi. Recreational Disturbance

Assessment

i. Principle of development

- 8.2 The application site is previously developed land but located outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area' within the Chichester Local Plan (CLP). Policies 2 and 45 of the CLP state that development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement. These policies are compatible with Paragraphs 78-80 of the revised Framework, which state that housing should be located where it will enhance or maintain the vitality of rural communities but generally avoid the development of isolated homes in the countryside. In addition, Policy 1(B) of the Bosham Parish Neighbourhood Plan (BPNP) states new development will not be permitted outside of the settlement boundary unless it accords with other policies in the plan or it is sustainable development that significantly contributes to strategic aims, complies with other policy requirements but is a development that could reasonably be located within the settlement boundary.
- 8.3 In order to maintain a supply of housing and to continue to approve appropriate housing development, it is considered appropriate to assess this application against the Interim Position Statement for Housing Development (IPS), and the 13 criteria set out within this document. When assessing the proposal against the 13 criteria within the IPS, which define what the Council considers good quality development in the Local Plan area, the Council has not identified any adverse impacts. It is relevant to consider the criteria of the IPS criteria in turn:

1) The site boundary in whole or in part is contiguous with an identified settlement boundary

The eastern boundary of the site lies adjacent to the Bosham Settlement Boundary.

2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy

Bosham is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2), where the provision of three additional houses would be considered appropriate.

3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of proportional evidence.

The application site comprises previously developed land and is currently occupied by a variety of commercial buildings. The replacement of these buildings would not result in actual or perceived coalescence of settlements.

4) Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

It is considered that the development complies with this criterion, with an appropriate density achieved whilst having regard to the character of the surround area.

5) Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

It is considered that the development complies with this criterion, with the size, scale and detailed design of the dwellings considered appropriate in the context of the site. In addition, the proposal seeks the replacement of larger commercial buildings, which are in a poor state of repair with this scheme taking the opportunity to improve the visual amenity of the site. The sites waterfront location within the AONB is a key consideration, which is addressed in more detail within the relevant section below.

6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.

The site does not lie in or within close proximity to a potential Strategic Wildlife Corridors, thus this criterion is not applicable to this application.

7) Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

It is considered the proposal would meet the above criterion, with the wastewater disposal to be provided through a connection to the existing main sewer network. The scheme is not of a scale where an affordable housing contribution, provision of open space or any highways works are required; however, it shall be CIL liable.

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to: - Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use; - Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013.

This should be achieved through improvements to the fabric of the dwelling; - Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and - Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.

The development would meet this criterion, with this matter discussed further within the sustainability section of this report.

9) Development proposals shall be of high-quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

The development is of a high standard of design and layout, with this matter discussed further within the impact upon the character of the area section of this report.

10) Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

The site is well connected to the existing settlement, lies adjacent to a PRoW with pedestrian access onto the shore and nearby public transport. The site benefits from an established vehicle access. The proposal is therefore considered to comply with this criterion.

11) Development is to be located in areas at lowest risk of flooding first, and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the Council to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency. Built development can lead to increased surface water run-off; therefore, new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.

A proportion of the site lies within Flood Zone 2 and 3, where it has been necessary for the council to undertake sequential test, and the exception test as per the guidance set out within the NPPF. This matter is addressed fully within the flood risk section of the report, which sets out how the proposal complies with this criterion.

12) Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

The scheme has demonstrated nitrogen neutrality against the relevant guidance at the time the application was submitted. Consideration needs to be given to the updated guidance published on 16 March 2022 and it is for this reason that the recommendation is to delegate the application to officers..

13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

The application seeks full planning permission, and a time restricted condition is recommended to ensure early delivery of the housing proposed. It is considered this this criterion is satisfied.

- 8.4 In considering the above, the proposal is considered to comply with the IPS, a document that has been introduced to appropriately manage housing delivery and as such the principle of the development is considered acceptable, subject to the nitrates mitigation remaining acceptable in light of the updated guidance from Natural England. In addition, in respect of the BPNP, the re-development of the existing site is a type of development that could not reasonably be located within the settlement boundary because it is a previously developed site outside of the settlement boundary.
- 8.5 Notwithstanding the above, the proposal would result in the loss of the employment space, which is protected under Policy 26 of the CLP. However, Policy 26 advises that planning permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses where "it has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses".
- 8.6 The site has been vacant since 1993, providing no contribution to the local economy despite its former use as a commercial shipyard. The proposal has been accompanied by a viability report, which details how the significant costs required to bring the site back into commercial use, the limitations of the water access and the likely requirement to improve/rebuild the slipway, poor tidal access, undesirable vehicle access combined with the anticipated lower income relative to other marinas within the district, means that a redevelopment of the site for marine business use is not a viable proposition.

- 8.7 This view aligns with that of the Inspector in his decision on this site under appeal (APP/L3815/A/13/2209694) dated 18 September 2014, where the inspector advised, 'I understand the Council's aspirations for the site, but the appellant's evidence satisfactorily demonstrates that in broad terms the use of the whole site for marine related uses would not be viable'. The inspector then stated 'the location and characteristics of the site and its access (including overhanging trees and telegraph wires which would necessitate the lowering of masts during transport); the tidal restrictions; the costs of demolition and decontamination (or the costs of refurbishment); and the exclusion of costs in the appellant's calculations relating to the restoration/improvement of the foreshore/slipway; all indicate to me that the Council's aspirations would not be viable, even in terms of using the whole site for open boat storage'.
- 8.8 In light of the latest findings of the submitted viability report, the previous acceptance by the Inspector of the unviability of returning the site to its former commercial use, and the fact that the site has been vacant since 1993; it is not considered reasonable to apply the strict marketing tests as set out within Policy 26 (and Appendix E) of the CLP, but instead taking a more pragmatic approach on the loss of the employment space. As such, the proposal is considered to comply with the requirements of Policy 26 of the Local Plan and of the PP02 Safeguarding Marine Enterprise Chichester Harbour Management Plan (2019-2024), in so far as the need to robustly justify the loss of the clearly redundant employment space, thus the principle of the redevelopment of the site, with residential dwellings can be considered acceptable, in principle subject to the previously explored compliance with the IPS and the further materials considerations outlined below.
- ii. Design and impact upon character of the Bosham Conservation Area and Chichester Harbour AONB
- 8.9 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity. Policy 43 sets out planning permission will be granted where developments conserve and enhance the natural beauty and local features of the AONB, reinforce the special qualities of the AONB, do not undermine the open, rural character, and meet the aims of the Chichester Harbour AONB Management Plan. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site. Policy 2 of the BPNP seeks to ensure new housing developments use locally common materials and be of a high standard of design, whilst Policy 5 of the BPNP reinforces the requirement to protect listed buildings and the conservation area from inappropriate development, and Policy 6 of the BPNP seeks to ensure proposals do not detract from the distinctive character and special qualities of the AONB.

- 8.10 The proposal if permitted would result in the complete redevelopment of this vacant previously developed site, resulting in the demolition of several commercial buildings, which cover much of the site area. The site would then be developed with three detached contemporary style dwellings. The resultant layout involves two dwellings positioned centrally within the site, facing west towards the shore, with parking and garaging to the rear (east) which would be accessed by a shared vehicle access onto Windward Road (south). The third dwelling would be set to the east, fronting Windward Road and aligning with the existing linear form of the neighbouring housing development. The existing roadway into the site would be extended along the southern boundary, in line with the proposed vehicle access with the existing gravel tack (PRoW) retained providing access to the shore.
- 8.11 The western part of the site would, if permission were to be granted, be raised by approximately 2m relative to the existing site level. Combined with a grassed flood bank to the western boundary of the site this will increase the finished floor level and provide a flood mitigation measure for the dwellings. The increase in height of the western proportion of the site, would be achieved through the use of stepped gabion walls, retaining the built-up ground, which would then broadly align with the higher ground level to the east of the site and Windward Road. The western properties (plots A and B) would be constructed on the raised ground, reading as contemporary two storey dwellings when viewed from the water. When viewed from the south, along the access road and footpath, more of the retaining walls, would be evident. Plot C to the east of the site would again be raised, but to a lesser extent than plots A and B and would be 0.2m higher than the neighbouring property of 8 Windward Road.
- 8.12 The detailed design of the dwellings has been revised during the application, with the amended scheme addressing officers' initial concerns with regards to the prominence and the general massing of the properties, particularly the flank view of plot B and the large scale of the dwellings. The revised scheme has resulted in an overall reduction in scale, amendments to the detailed design/material palette and the consolidation of much of the hard engineering required to access the properties and forming boundary treatments. As a result, the scheme is now considered to be more appropriate in terms of its scale, responding to the context of the site and respecting the scale of the neighbouring properties.
- 8.13 In views from the south, from within the Conservation Area, the ridge height of the proposed dwellings would broadly align with adjoining dwellings in Windward Road, Whilst the proposed dwellings are larger in scale, they would incorporate appropriate detailing and architectural elements to add interest and reduce their overall mass and bulk. As a result of the increase in land levels plots A and B are higher than the plots C and D to the north and south of the site (Shipyard Cottage and Burneside), with the proposed dwellings appearing more prominent when viewed from the water. The additional height of plots A and B would be mitigated through the use of a shallow roof pitch, and the level of separation between the plots which would help to break up the total massing of the development when viewed from the west. As such, it is considered that these dwellings would not be unduly prominent when viewed from wider vantage points to the west and south of the site. Therefore, the proposal is not considered to be of scale which would be of detriment to the special qualities of the Chichester Harbour AONB or that character and appearance of the Bosham Conservation Area.

- 8.14 The proposed dwellings would be contemporary in their design, utilising strong gable detail at first floor level, with flat roofs to the single storey elements plus sedum roofed garages. The contemporary approach provides a clear demarcation between the surrounding housing, providing the opportunity for a high quality, contemporary development in place of the existing commercial buildings. The design approach incorporates an almost industrial feel, which references the previous context of the site.
- 8.15 The proposal would incorporate a high-quality material palette, which includes natural slate, dark zinc cladding, timber cladding, flintwork and dark brickwork, all of which provide an appropriately muted colour palette, in line with the guidance provided by the Chichester Harbour Conservancy AONB Management Plan. As expected, a contemporary approach has been applied to the dwelling's fenestration; however, the levels of glazing are not considered to be excessive, rooflights are proposed only in respect of plot A and the main areas of glazing, facing the harbour are in part recessed to reduce glare and upward light spill.
- 8.16 It is important to consider the visual impacts of the proposal in relation to the number of derelict and poor-quality buildings on this brownfield site. The current condition of the site is detrimental to both the character and quality of the Conservation Area and the Chichester Harbour AONB. The proposal would provide good quality design, to provide a high quality, comprehensive redevelopment of the site, which although more prominent from certain vantage points, represent a substantive improvement to the visual quality of the existing site. The new development if permitted would reinforce and enhance the character and quality of the AONB and the Bosham Conservation Area.
- 8.17 In summary the development would be of an appropriate layout and density and result in a high-quality design that would integrate well into the surrounding area. The comprehensive redevelopment of the site which would restore the character and quality of the AONB and enhance the Bosham Conservation Area. On this basis, the development would accord with the national and local planning policy.
- iii. Impact upon amenity of neighbouring properties
- 8.18 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available light.

8.19 The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties. There would be an adequate level of separation between the neighbouring properties to the north and south of the site to ensure the proposal would not result in a detrimental impact upon the outlook, privacy, or available light of these properties. The raised nature of plots B may give rise to overlooking upon the eastern amenity space of Shipyard House, however this would be mitigated by planting at the boundary, and the timber screening to the southern terrace area. Therefore, it is considered the proposal would result in an acceptable relationship. Plot C would be appropriately separated from the 8 Windward Road to the east, resulting in an acceptable neighbour relationship. The location of the detached garage for plot C has been brought forward (south) within the plot, in line with the rear elevation of 8 Windward Road, reducing any adverse impacts upon residential amenity.

8.20 Taking the above considerations into account, the development would result in an acceptable living environment for the further occupiers of the proposed dwellings and those of the neighbouring properties and therefore the development would accord with the contents of Policy 33 of the Chichester Local Plan and Section 12 of the NPPF.

iv. Impact upon highway safety and parking

8.21 Policy 39 of the Chichester Local Plan requires developments to have safe and adequate access to the public highway and parking needs can be met within the site whilst Policy 9 of the BPNP seeks to minimise any increases in vehicular traffic.

8.22 The proposal has been reviewed in consultation with WSCC Highways, who have raised no objection to the proposed development, noting 'the addition of three dwellings is not anticipated to result in a material intensification of use of the junction over the potential for the existing B2 use of the site'. In addition, the proposal provides adequate vehicle parking, and is located within a sustainable location adjacent to the existing settlement boundary and sustainable transport options. As suggested, the provision of cycle storage and electric vehicle charging points would be secured via condition to further encourage sustainable modes of transport. It is considered that the provision of 3 dwellings on the site would not likely increase traffic movements compared to the potential re-use of the site for commercial purposes, and therefore the proposal would comply with the BPNP's policy to minimise increases in vehicular traffic.

8.23 In light of the above, the proposal is considered to result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/ turning and provides measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 the Local Plan and 9 of the BPNP..

v. Environmental Protection

- 8.24 The proposal has been reviewed in consultation with the Environment Agency and the Council Environmental Protection Officer, who have considered the potential impacts principally in respects of contaminated land, but also in the respects of noise, lighting, and impacts arising during construction. The findings of the contaminated land report, which has identified the need for further surveys, are acceptable, with both consultees suggesting condition to ensure the further survey work is carried out, with mitigation identified and agreed by the LPA prior to the commencement of works on site.
- 8.25 A lighting proposal has been provided, which is acceptable and proportionate to the scale of the development and therefore a condition is recommended to ensure the lighting is undertaken in accordance with the submitted details. In terms of air quality, conditions shall be used to secure the EV charging and cycle storage, as detailed within the previous section, which shall contribute towards sustainable modes of transport. The pedestrian link to the south of the site, will allow connectivity of the development on foot or by cycle, allowing sustainable transport to be maximised.
- 8.26 In light of the above, the proposal is considered to result in an acceptable environmental impact, subject to future compliance with the recommended conditions.

vi. Sustainability

- 8.27 The proposal has been accompanied by a sustainability construction plan, which details the applicant's intention to adopt a sustainable approach, to reduce the proposals environmental impact. It advises that each dwelling would benefit from high levels of insulation, exceeding building control regulations and achieving high performing u-values. In addition, each property would incorporate a mechanical ventilation with heat recovery (MVRH) which would reduce the reliance upon fossil fuels.
- 8.28 The development would also comply with the water consumption targets, as set out within the building regulations. The provision vehicle charging points will also be secured via planning condition, further contributing to the sustainability of the development.
- 8.29 Therefore, subject to compliance with these measures, and the planning conditions, the proposal is considered to result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan.

vii. Ecological considerations

- 8.30 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity. In addition, Policy 7 of the BPNP requires the biodiversity value of a site to be protected.
- 8.31 The council's ecology officer has reviewed the ecology surveys and subsequent letter from the ecologist and is satisfied with their findings, recommendations, and suggested mitigation/enhancements, which can be adequately secured through the suggested conditions. In addition to this, the Council's Ecology Officer has also suggested further enhancements, which can be adequately incorporated secured via condition.
- 8.32 In light of the above, and subject to compliance with the recommended conditions the proposal shall adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

viii. Impact upon trees

- 8.33 The northern boundary of the site comprises a row of mixed quality trees, protected by a tree protection order (TPO) reference 08/00168/TPO. The proposals have the potential to impact some of these protected trees, as their root protection areas (RPAs) extend into the development site, beneath plot A and the northern part of the parking area.
- 8.34 The proposal has been accompanied by a Arboricultural Impact Assessment and Method Statement, which details the potential impacts upon the trees, along with the mitigation measures proposed. It also confirmed that the proposal does not seek the removal of any of the protected trees, and improvements to include the removal of much of the existing concrete ground covering can result in improvements to the overall health of the trees. The report identifies the required mitigation measures, including the use of tree protection fencing, ground mitigation and the identification of 'no dig' zones within the RPAs. The construction of the foundation for the dwellings shall employ 'pile and beam' construction, which is far less invasive than traditional strip foundation, minimising the impact upon any tree routes encountered. The laying of new permeable hardstanding, including the internal parking area shall utilise a cellular membrane within the RPAs to avoid any root compaction. Finally, the report details an appropriate method of demolition, manual excavation within the 'identified hand dig zones' and identifying any site storage shall take place outside of the RPAs and away from the protected trees.
- 8.35 In light of the above, and subject to compliance with the Arboricultural Impact Assessment and Method Statement and tree protection plan, which is included within a recommended condition, the proposal would adequately safeguard the health of the protected trees, with the removal of the existing concrete ground covering, likely to result in an improvement to the health of the trees. As such, the proposal is acceptable in this regard.

ix. Flood Risk and Surface Water Drainage

- 8.36 The site, including the proposed siting of plots A and B are located within flood zones 2 and 3, with the site at risk from tidal flooding. Accordingly, the proposal has been accompanied by a flood risk assessment (FRA) which details the necessary mitigation measures, which are to be incorporated into the development to ensure the proposed dwellings and further occupants are adequately protected from flooding. The findings of the FRA have been reviewed in consultation with the Environment Agency (EA) and the Councils Costal and Drainage Engineer, both of which have confirmed they raise no objection to the proposal subject to compliance with the submitted flood risk assessment, which can be adequately secured via planning condition. Policy 42 of the Chichester Local Plan and Policy 8 of the BPNP requires new development in areas at risk of flooding to meet the sequential and exception tests in the NPPF, not increase risk of flooding elsewhere, be subject to a flood risk assessment, incorporate measures to ensure the buildings would be resilient, ensure appropriate flood warning and evacuation plans are in place, have suitable on site drainage.
- 8.37 In accordance with the National Planning Policy Framework (NPPF), the proposed development is appropriate provided that the site meets the requirements of both the sequential and exception test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source (Paragraph 162 of the NPPF) and a sequential test seeks to identify sequentially preferable alternative sites for the proposed development, within a geographical area defined by local circumstances relating to the catchment area for the type of development proposed. Paragraph 033 of the NPPG states that a pragmatic approach on the availability of alternatives should be taken. A sequential test has been submitted with this application, which following discussion with the LPA has reduced the search area to the parish of Bosham and specifically the Burnes Shipyard site. This approach has been taken, as there is a clear need to redevelop the Burnes Shipyard site, as a brownfield site on the edge of the Bosham Conservation Area; with this only achievable by developing within the site. It is considered that this is a pragmatic approach in line with the guidance within the NPPG. As such, there are no sequentially preferable site which would achieve the redevelopment of the Burnes Shipyard site, that are at a lower risk of flooding and therefore the proposal is considered to comply with the sequential test.
- 8.38 Once the sequential test has been passed, it is necessary to apply the exception test (Paragraph 164 of the NPPF) which advises, for the exception test to be passed it should be demonstrated that, a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. A proposal should satisfy both elements of the exception test to be considered appropriate (Paragraph 165).

- 8.39 In considering the criteria set out within Paragraph 164, the proposal would result in the redevelopment of a redundant shipyard, which has been out of use since 1993 and makes no contribution to the wider community. In addition, the buildings and site are in a poor state of repair, resulting in a detrimental impact upon the setting of the Bosham Conservation Area and represent a poor building within the Chichester Harbour AONB. In addition, anti-social behaviour has been raised as a concern. The proposal would result in the comprehensive redevelopment of the site, of high architectural quality and would result in a significant improvement relative to the current site. As such, the proposal can be considered to meet criterion a) of the exception test. The Council's Drainage Engineer is satisfied the proposal would not increase flood risk overall, with the detailed design of the dwellings, incorporating flood mitigation measures, as set out within the FRA ensuring they are safe for the lifetime of the development. As such, the proposal is considered to meet criterion b), thus is considered to represent an acceptable form of development when considering the advice within Paragraphs 159-165 of the NPPF and Paragraph 033 of the PPG.
- 8.40 The proposed drainage strategy is to drain all surface water using an existing outfall into a tidal waterbody (Chichester Harbour). This approach is acceptable in principle and should adequately drain the development, subject to securing full details of the proposed scheme. The council's drainage officer has suggested full details of the proposed surface water drainage scheme be secured via condition. Therefore, subject to compliance with this drainage strategy, secured via condition the proposal is acceptable in respects of surface water drainage/flooding.
- x. Nutrient Neutrality
- 8.41 The proposal comprises new residential development, which is to be connected to the main sewer network, where it is accepted that the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.
- 8.42 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the by the Local Planning Authority (LPA) via an 'appropriate assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 8.43 To assist the LPA with its appropriate assessment, the application has been accompanied by a Nutrient Neutrality Management Plan which details the additional nitrogen resulting from the proposed development (2.4 kg of Nitrogen per year) and the proposed offsite mitigation.

- 8.44 The mitigation proposes the removal of 0.09ha of agricultural land, which forms a small proportion of a larger parcel of land, north of Droke Lane, East Dean, Chichester. This land would be subject to woodland creation, through the planting of broadleaf trees at a density equivalent to 100 per hectare. This proposal has been tested via an appropriate assessment, in consultation with Natural England, who have raised no objection to the application, subject to securing the proposed mitigation.
- 8.45 However, since the assessment was undertaken new guidance has been published by Natural England, and this requires further consideration. It is for this reason that the recommendation is to delegate the decision to officers to allow this matter to be considered further. Provided adequate mitigation is secured the proposal would not impact upon the European designated sites because of nitrates, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF. The exact location of the proposed mitigation land, within the wider parcel would be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity.

xi. Recreational Disturbance

- 8.46 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance because of the proposal.
- 8.47 A contribution of £2,593.00 (3 x 4-bedroom property (£864)) as habitat mitigation can be secured via S106 agreement to ensure the proposals compliance with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017.

Conclusion

- 8.48 In conclusion, the proposal would result in the redevelopment of a vacant site with several derelict commercial buildings with a high-quality residential development that would integrate well within the surrounding area. Consequently, it would enhance the AONB and Bosham Conservation Area. It is located within a sustainable location enhancing the local environment and incorporating satisfactory parking facilities, plus safe vehicular and pedestrian access and egress and opportunities for improved biodiversity measures.
- 8.49 Subject to further consideration of the proposed nitrates mitigation scheme, the proposal would accord with the relevant national and local planning policy and associated supplementary planning guidance. However, due to the need to consider further the newly published guidance from Natural England it is now recommended that the application be delegated to officers.

Human Rights

8.50 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been considered and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION DELEGATE TO OFFICERS

If the recommendation above is agreed, and in the event after further consideration by officers the application be recommended for approval under delegated powers the following conditions would likely be considered appropriate;

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) 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 litter and prohibiting burning of materials/waste.

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

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

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

5) In accordance with the findings of the preliminary geoenvironmental and geotechnical assessment produced by TEC (dated Jan 2019) **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

6) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

7) **No development/works shall commence** on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. 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.

8) **No development shall commence on site** until the method of piling/foundation design has been submitted to and be approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved methods.

Reason: It is understood that piled foundations may be required therefore a foundations risk assessment is required to ensure that the proposed piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

9) No development above slab level shall commence until full scheme of proposed renewable sources of energy and a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail sustainable energy sources (i.e Solar Panel and Heat Pump) and additional measures to reduce the carbon emissions of the development hereby permitted. The scheme of the proposed sources of renewable energy shall include details of the appearance, technical specification and where relevant a noise report. Once agreed, these measures shall be fully implemented in accordance with the approved scheme prior to the first occupation of the dwellings and thereafter retained in perpetuity for their designated use.

Reason: To minimise the impact of the development upon climate change.

10) Notwithstanding any details submitted **no development/works above slab level shall commence** until a full schedule of all materials and finishes to be used for external walls (including boundary walls), windows and doors and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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.

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

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

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

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

13) **No part of the development hereby permitted shall be first occupied** until at least one Electric Vehicle (EV) charging point per dwellings and ducting to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future, has been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

14) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

15) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

16) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

- a) The integration of a bat box into the dwellings hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.
- b) The integration of a bird box to the dwellings hereby approved or within a tree sited within the grounds of the property.
- c) The provision of two hedgehog nesting boxes within the site.
- d) The provision of gaps at the bottom of the fences to allow movement of small mammals across the site
- e) The provision of log piles within the site.
- f) The infilling of any gaps within tree lines or hedgerows with native species
- g) Any trees removed should be replaced at a ratio of 2:1

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

17) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

18) The development hereby permitted shall be carried out in strict accordance with the submitted Ecological Impact Assessment, produced by Lizard Landscape (Feb 2021) and the recommendations and mitigation it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and wildlife.

19) The following ecological mitigation measures shall be adhered to at all time during construction:

- a) Due to the potential for bats within the trees to the north of the site, a buffer around these trees shall be maintained during the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Due to the potential for bats within the existing structure, a precaution for bats shall be taken during demolition. If any bats are discovered during the work, all works should stop, and a bat ecologist be consulted. If a bat roost is found, works must not proceed until Natural England has been consulted on the requirement of a protected species license.
- c) Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.
- d) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- e) 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.
- f) Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October - Feb) to ensure they are not disturbed by any increase in noise and dust.
- g) If any works need to take place to the trees or for vegetation clearance on the site, they 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 (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

20) The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Impact assessment & Method Statement produced by Lizard Landscape (Feb 2021) and tree protection plan LLD2222-ARB-DWG-001 REV 00 and LLD2222-ARB-DWG-002 REV 02, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

21) The development hereby permitted shall be carried out in strict accordance with the submitted Sound Advice Acoustics Ltd report ref SA 3765 rev5 (December 2020) and the recommendations it makes with Section 1.7 of the report, with regard to glazing and ventilation.

Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

22) The development shall be carried out in accordance with the submitted flood risk assessment (Project number 23140, approved on 9 March 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.45 metres above Ordnance Datum (AOD)
- No sleeping accommodation shall be placed below the first floor, which shall be set at 5.64 mAOD
- Electrical switchgear shall be placed no lower than 5.34 mAOD
- Flood resilient and resistance construction methods shall be implemented

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

23) The proposal shall be carried out with strict accordance with the DW Windsor lighting assessment and the accompanying plan ref 21 0098 1A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Reason: In the interests of protecting wildlife and the character of the area.

24) The development hereby permitted shall be carried out with strict accordance with the submitted landscaping scheme, drawing number 2027-TF-00-00-DR-L-1001, unless otherwise agreed in writing by the Local Planning Authority.

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

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 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, **Plot A** shall not be first occupied until the first-floor windows in the north elevation of Plot A 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.

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

27) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established other than those shown on the approved plans.

Reason: In the interest of the visual amenity of the site.

28) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

29) 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- E 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.

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 - Tree constraints plan	DWG 001		10.03.2021	Approved
PLAN - Tree retention plan	DWG 002 REV 01		10.03.2021	Approved
PLAN -	19097-06	REV B	12.01.2022	Approved
PLAN -	1001	REV D	12.01.2022	Approved
PLAN -	19097-04	REV B	12.01.2022	Approved
PLAN -	19097-05	REV B	12.01.2022	Approved
PLAN -	19097-07	REV B	12.01.2022	Approved
PLAN -	19097-08	REV B	12.01.2022	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) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application, use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPARWMERMPI00>

This page is intentionally left blank

Report to **Planning Committee**
Date **6 April 2022**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application Number **SDNP/21/04759/FUL**
Applicant **Mr T Hill**
Application **Replacement dwelling.**
Address **Eastview The Street Lodsworth GU28 9BZ**

Recommendation: That the application be **Approved** for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for **Community Infrastructure Levy**.

Executive Summary

Planning permission is sought to demolish the existing dwelling and to erect a replacement dwelling. The existing property is single storey with a dual-pitched roof situated within the Lodsworth settlement boundary. Although the dwelling is outside of the Lodsworth Conservation Area, it is in close proximity to the conservation area boundary which includes the dwellings opposite on the west side of The Street. The proposed replacement dwelling is two storey and of a greater size and bulk compared to the existing. However, the proposed replacement dwelling is not considered to be harmful to neighbour amenity and is of a design appropriate to the character of the location. The proposal complies with both local and national planning policy and is recommended for conditional approval.

1.0 Site Description

The application site consists of single storey dwellinghouse and associated outbuildings within a plot of approximately 1350 sqm on the east side of The Street in the village of Lodsworth. The site is within the Lodsworth settlement boundary and although outside the Lodsworth Conservation Area, it is in close proximity to the conservation area boundary which includes the dwellings opposite on the west side of The Street. The site has a northwest to southeast incline resulting in a 4.5m fall in levels toward the highway. Access is via a driveway which runs along the northern boundary of the site and ends in a bellmouth where it joins the street.

The existing dwelling is single storey with a dual-pitched roof. The walls are of painted brick and the roof is clad in plain clay tiles. The windows, doors and rainwater goods are of uPVC. There are 5 no. steps up to the front entrance of the dwelling owing to the slope of the site.

Also on the site is a collection of outbuildings arranged along the north boundary comprising timber stable/shed, outbuilding on a concrete base and a large metal shed.

2.0 Proposal

The proposal is for the replacement of the existing dwelling with a two storey dwelling (first floor contained within the roof) set primarily on the footprint of the existing building. The predominantly 'L' – shaped footprint sites centrally and to the rear of the site approximately in the same building line as flanking houses. All the existing outbuildings are to be removed as part of the proposal.

3.0 Relevant Planning History

No recent planning history

4.0 Consultations

CH - Environmental Strategy

Summary:

Content that mitigation and enhancements proposed pertaining to bat species would be suitable. Please condition to ensure implementation accordingly.

Any works to trees should be carried out outside bird breeding season.

A precautionary approach should be adopted when carrying out site clearance in respect of the potential presence of hedgehogs.

CH - Tree Officer

None received.

Parish Council Consultee

The Parish Council has carefully considered the above-mentioned application and has the following comments:

1. The Parish Council supports in principle the demolition of the of the existing house and the demolition of the collection of unsightly outbuildings.
2. The Parish Council is concerned about the size of the replacement building. The Parish Council notes that the increase in floor area of the proposed new house relative to the original house may be contrary to Planning Policy Guidance.
3. The Parish Council notes that the height of the ridge of the proposed dwelling and other key information varies from plan to plan and it would like to see these issues corrected so consistent. As it stands the plans are confusing and need more clarity as discussed with the applicant at the planning meeting. A plan of the existing and proposed footprint would be most useful.
4. The Parish Council has concerns with loss of privacy for neighbouring properties including the overbearing bulk of the proposal for the property to the South (Greenbanks). In addition, there are 3 dormer windows being proposed that directly overlook the property on the western elevation (Old Orchard).
5. The Parish Council suggests engagement with the residents of all the neighbouring properties to address their concerns is essential.

Therefore, the Parish Council currently OBJECTS to the application as it stands. It welcomes a revision which is more in keeping with the surrounds.

Further comments received 01.12.2021

The Parish Council realises that Eastview in its current form is architecturally poor and does in principle support the replacement of this bungalow. A replacement with a more efficient, low in-use carbon home can hopefully take the opportunity to construct in a similarly environmentally sustainable way in terms of low embodied carbon methods and materials used.

Whilst it appreciates their desire to push through these plans “without delay, “the Parish Council is more concerned that further time and care should be taken to ensure a building is built that sits comfortably within its setting in the village and responds more sympathetically to the surrounding dwellings in both style and scale.

For your information, the Parish Council members were unanimous in their desire to object and to suggest seeking further engagement with the neighbours.

Point 2: The increase in floor area of the replacement dwelling is not contrary to planning policy as the application site is within the settlement boundary.

Although the Parish Council planning committee is aware of policy SD30 and concede that the property falls within the settlement boundary, the issue remains that the proposed dwelling is more than double the existing; is over 100sqm larger in footprint than its neighbours and has gross internal area of over 300sqm.

The Parish Council, in line with many local parishes, is against the conversion of all smaller retirement and starter dwellings to large family homes. This is consistent with the South Downs National Park’s approach to a healthy housing mix expressed in SD 7.3, 7.4 and 15, and protects from putting the cost of properties beyond the reach of locals. We are keen to ensure that this and successive projects do not affect the demographic and adversely change the nature of the village.

The Parish Council must also question if the property enhances the existing landscape in its design and whether in layout and scale it is complimenting its context and setting. (SD 4, 15).

Point 3: The plans are correct. The building responds to the site topography with the eastern, front building range being set at a lower level than that to the rear. Internal steps negotiate that change in floor levels.

It is considered that there were, and there remain several inconsistencies, omissions and mistakes in what seems an unclear proposal. This has made it very difficult for the Committee to assess. One simple point made by a councillor to Mr Hill at the meeting was that the drawing of a door 1.2 x 2.8m on the front elevation gave an incorrect proportion of this vital and highly visible elevation. Mr Hill’s reply to the parish in his letter 12th November was, *“The height of the door on the front eastern elevation seemed to be of concern and, to address this issue, we would be happy to replace it with a window.”*

The Parish Council respectfully suggests that the building does not respond to the site topography (contra SD5.22 and - Parish Design Statement - PDS 9.1 and 8.3)) and although there may be internal steps it is not the floor level within that contributes to the overbearing nature to the east. The ridge height is barely reduced from front to back of the property and it is 1.9 metres higher than neighbouring ridges at that datum line.

It suggests that the proposed dwelling could not be said to be appropriate to its setting in terms of height, massing, density and roof form (SD5 f.) nor are the materials proposed (rendered block) on this forward wing consistent with the local vernacular detailing or those further prescribed by SD5,15 and PDS 9.5 calling for local stone or stock brick.

Lodsworth Parish Council maintains that further engagement with neighbouring properties is essential to achieve a building that is not so dominating nor overbearing when viewed from The Street.

5.0 Representations

3 Third Party objections and 1 general comment:

Principle of replacement dwelling supported

Overlooking and inter-looking from first floor window arrangements – loss of privacy

Overall height and scale accentuated by rising ground from The Street.

Assertive building in street scene

Unneighbourly

Inappropriate palette of materials

Loss of view

Use of track to rear of site

6.0 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- N/a

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF12 - Achieving well-designed places
- NPPF - Conserving and enhancing the natural environment
- NPPF - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD10 - International Sites
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD30 - Replacement Dwellings
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 9
- Partnership Management Plan Policy 50

8.0 Planning Assessment

Determining matters:

- Principal and Design
- Neighbour amenity
- Impact on the Lodsworth Conservation Area
- Ecology and impact on International Sites
- Impact on trees
- Water Use

Principal and Design

The dwelling is within a settlement boundary where new development is to be focussed in line with the objectives of SD25 and SD26. Therefore the principle of redevelopment is considered to be acceptable. Policy SD30 applies to replacement dwellings in rural areas and therefore noted that the limitation regarding floorspace increase referred to in that policy does not apply in this case. The key policies are therefore policies SD4 and SD5. Policies SD4 and SD5 together require development proposals are only permitted where they adopt a landscape led approach which conserves and enhances the landscape and respect the local character through sensitive and high quality design. Also of relevance to this application is the Lodsworth Parish Council Design Statement which sets design guidelines for Lodsworth Parish.

Criteria C of SD5 requires development contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features. Criteria F of SD5 requires development utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and vernacular detailing. Guideline 8.2 of the Lodsworth Parish Council Design Statement requires new buildings are sited where they follow the grain of those in their vicinity and guideline 8.3 requires development reflect the existing layout, grouping and scale of buildings.

The proposed replacement dwelling is acknowledged to be larger than the existing dwelling by virtue of its footprint, ridge height and massing. However, the enlarged design would not be out of context with the neighbouring buildings which are of similar proportions to the proposed replacement in terms of footprint and massing. When viewed from The Street, the east elevations of the dwellings are most prevalent. The proposed east facing gable would have a ridge height of 7.6m. The neighbouring Greenbanks to the south has a ridge height of approximately 7m. While it is acknowledged that the proposed ridge height would be marginally higher than some of the surrounding properties, this is not an excessive increase and the potential bulk has been addressed with the introduction of a Sussex hip to the east gable and the fact that the eastward projecting 'wing' of the building takes advantage of the fall in levels and is to be stepped down, ensuring that the building's massing would be further tempered through the articulation of its form.

The design approach incorporates features which are consistent with other dwellings on The Street and surrounding local examples. Whilst the replacement dwelling would be larger than the existing dwelling, the plot in which it sits is generous and can accommodate a dwelling of the proportions proposed without resulting in a sense of overcrowding or overdevelopment. The proposals are considered to comply with policies SD4 and SD5 and Lodsworth Parish Council Design Guidelines 8.2 and 8.3 and are capable of receiving officer support.

Guideline 9.5 states local sandstone and stone bricks are generally most fitting and may be complemented by areas of timber cladding or clay tile hanging. The proposed materials consist of a plain clay tile roof, lime plaster cladding on the ground floor elevation and tile hanging on the east gable. The plain clay tile roof and tile hanging are locally characteristic.

Neighbour Amenity

Objections have been raised regarding neighbour amenity and Lodsworth Parish Council has raised concerns that the proposals would result in the loss of privacy for neighbouring properties including concerns that the bulk of the proposed dwelling would be overbearing for the dwelling to the south (Greenbanks) and the dormer windows proposed for the west elevation would directly overlook the dwelling to the west (Old Orchard).

Neighbour amenity to the south

Concerns have been raised that the bulk of the dwelling would be overbearing to the dwelling located to the south (Greenbanks) by the Parish Council. The replacement dwelling would sit further south in the plot compared to the existing dwelling. The replacement dwelling is stepped and angled and would sit approximately 5.39m from the southern boundary at its closest point. The north elevation of Greenbanks is close to the boundary line and which has itself quite an assertive effect over Eastview. The larger replacement dwelling at Eastview would introduce further mass and bulk to space between the two dwellings. However, the proposed replacement dwelling would be set further back from the streetscene to the west of the plot compared to Greenbanks which would offer some articulation in the overall mass and bulk produced by the two dwellings. On balance it is not considered that the proposal would be overly assertive on the neighbour to the south.

Neighbour amenity to the north

Concerns have been raised by third parties and the Parish Council that the dormers proposed for the north and east-facing elevations will result in a loss of privacy for the neighbour to the north (Hollybank). The easternmost dormer window in the north facing elevation serves the landing will look across the remainder of the site toward the north boundary shared with Hollybank, some 12 metres away. However, considering this dormer window serves a landing, a transient space which is unlikely to be used for long periods of time, the intensity of the use of this window is low and any perceived overlooking is not considered unacceptable. The westernmost dormer in the north elevation would be angled away from Hollybank itself and in fact looks across the neighbouring detached garage and forecourt area.

The two dormer windows in the east elevation face down the garden of Eastview, affording only an oblique angle of view toward the shared boundary. The nearest dormer to the shared boundary serves an en-suite bathroom, therefore it is not unreasonable to condition that obscured glazing is used in this window to provide privacy for the residents of Hollybank and for residents of the replacement dwelling.

Neighbour amenity to the west

Concerns have also been raised by third parties and the Parish that the 2 no. dormer windows proposed on the west elevation would cause undue overlooking to the neighbouring dwelling to the west (Old Orchard). A third dormer in the hipped part of the roof at the northern end of the west elevation has been omitted following discussions with officers.

The east elevation of the neighbouring property to the west is approximately 24m from the section of the proposed west elevation containing the dormers. The top of the windowpanes in the proposed dormers would be approximately 4.7m above ground level. The dormer windows are modestly proportioned and would sit quite low on the roof slope. Considering the distance from the neighbouring dwelling and the orientation of the dormers owing to the angle of the west elevation, together with intervening vegetation present on the boundaries flanking Shepherds Lane, it is not considered that the proposed dormers on the west elevation would cause undue overlooking or loss of privacy for the neighbour to the west.

Impact on Lodsworth Conservation Area

The Street is sunken by about 1.8m relative to the front garden of the site. This means the dwelling is largely hidden from view in the street scene and is visible only through the driveway entrance. A dense roadside hedge provides further screening. The proposals are considered to preserve the character and appearance of the conservation area owing to the level of screening afforded to the dwelling.

Guideline 7.7 of the Lodsworth Design Statement requires due regard should be given to the SDNPA dark skies policy (Policy SD8) with respect to lighting. The guideline requires lighting should be kept to a minimum. All rooflights at the site will be fitted with blackout blinds which would be secured with a condition.

Impact on trees

To the north west corner of the site is a collection of 6 no. individual trees consisting of 4 no. beech, 1 no. ash and 1 no. sweet chestnut. These trees are protected by a TPO (00/00608/TPO). While the trees are not on the application site, there is the potential they may be affected by construction works.

The proposals are accompanied by an Arboricultural Report conducted by AFA Consulting dated September 2021. The tree officer has been consulted on the proposals and advised the demolition of the outbuilding should not be carried out until the ground protection and protective fencing has been installed and the ground of the old foundations is carefully hand dug out. The applicant has agreed to this and this can be secured with a condition.

Impact on ecology and International Sites

The proposals are accompanied by a Preliminary Roost Assessment, Preliminary Ecological Appraisal and Phase 2 Survey Report conducted by Darwin Ecology and dated August 2021. The main house was assessed as holding low potential to support roosting bats. A single dusk emergence survey was conducted on 30 June and no bats were recorded emerging or re-entering the building. No bat roosts are considered to be on site so the demolition of the dwelling is not considered to result in the loss of bat habitat. The proposals have been screened under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations) and based on the assessment it was concluded that there will be not likely significant effects on the Sussex Bats SACs as a result of the proposals.

The ecology team were consulted on the proposals and advised they are happy that the mitigation and enhancements proposed pertaining to bat species contained in Sections 6 and 7 of the ecology report would be suitable. A condition has been added to ensure this takes place.

The ecology team advised that the Birch tree to the west of the site has a low potential to support roosting bats and a further inspection would be required if this tree is to be affected, however this tree is to be retained so no further surveys are required.

Water Use

The site is within the Sussex North Water Resource Zone. The screening matrix prepared by the National Park requires proposals resulting in a net increase in new dwellings to be assessed as to their potential impact on this resource zone and the sites of nature conservation interest within it. This proposal is for a 1:1 replacement dwelling and therefore would not result in a net increase in new dwellings on the site. It is acknowledged that the number of water-using facilities available to residents are increased in the proposed dwelling. However this is offset through the proposed use of water-efficient appliances and fittings within the house and the installation of 7500 litre rainwater harvesting tank within the site with the objective of securing water use in line with policy SD48. On balance the proposals are not considered to increase the demand for water.

9.0 Conclusion

The replacement dwelling would be acceptable in this village centre location. It would be responsive to the site constraints that are present and sensitive to the impact the development will have on adjoining properties and on the surrounding area. Care has been taken to ensure protected trees and other important vegetation is retained to help assimilate the new dwelling into the built environment. The proposal is considered to accord with the objectives of the national and local planning policies referred to above and is therefore recommended for approval subject to conditions.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of 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 "Plans Referred to in Consideration of this Application".

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

3. No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development. It is considered necessary of 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.

4. Prior to the commencement of the development hereby permitted precise details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course, in relation to a nearby datum point shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details. No subsequent lowering/raising of ground/floor slab level shall be carried out without prior approval.

Reason: In order to secure a satisfactory standard of development and these details are required prior to commencement of development as they relate to the construction of the development (or prior to the construction of the development in the case of further investigative works such as archaeology and contaminated land)

5. The development hereby permitted shall be carried out in accordance with the approved ecosystems services statement and retained thereafter unless details of other suitable ecosystems services proposals are otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an overall positive impact on the ability of the natural environment to contribute goods and services, in accordance with policy SD2 of the South Downs Local Plan.

6. Prior to the commencement of the development hereby permitted (which includes the removal of existing outbuildings on the site), the protection of the trees to be retained shall be carried out in accordance with the details submitted as part of the arboricultural report prepared by AFA Consulting dated 16.09.2021. The measures of protection shall be retained in situ and in good order until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area.

7. The development hereby permitted shall not be occupied until the biodiversity enhancement measures set out at section 7 of the preliminary roost assessment and ecological appraisal and shown on the enhancements map both produced by Darwin Ecology have been carried out in accordance with those details.

Reason: In order that the development can contribute effectively to an enhancement of opportunities for biodiversity within the site and to meet the objectives of policy SD9.

8. Prior to occupation of the dwelling hereby permitted, the proposed rooflights shall be fitted with automated blackout blinds. The blinds shall be maintained in an effective working condition throughout the lifespan of the rooflights.

Reason: To ensure that the proposed development does not have an adverse impact upon the quality and characteristics of the internationally designated dark skies reserve.

9. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) design stage BRE water calculator
- c) product specifications
- d) building design details
- e) layout or landscape plans demonstrating that the dwelling has:

- a) reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
- b) reduced predicted CO2 emissions by a further 10% due to on site renewable energy compared with the maximum allowed by building regulations
- c) EV charge point
- d) predicted water consumption no more than 110 litres/person/day
- e) separate internal bin collection for recyclables
- f) private garden compost bin and providing evidence demonstrating:
- g) sustainable drainage and adaptation to climate change
- h) selection of sustainable materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14.0 Proactive Working

In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Lauren Cripps

Tel: 01243 784166

email: lcripps@chichester.gov.uk

Appendices Appendix 1 - Site Location Map

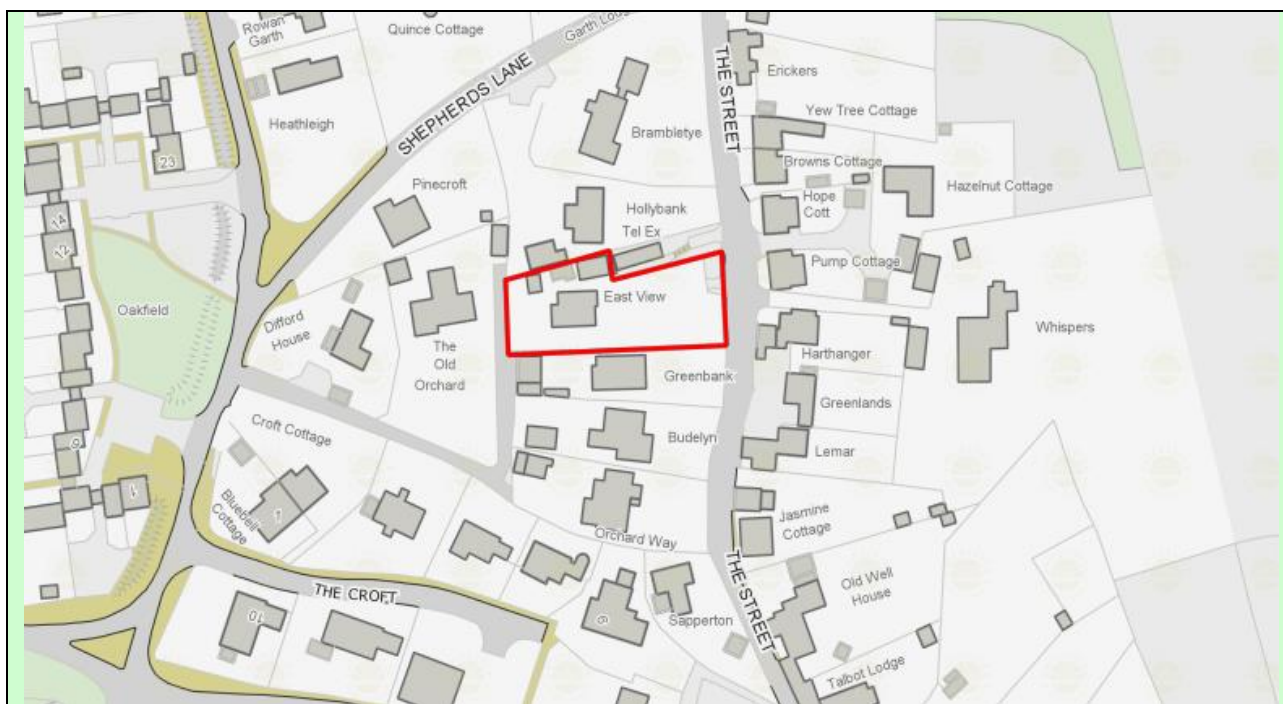
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2021) (Not to scale).

Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date Received	Status
Plans - PROPOSED SITE PLAN	AS684/04 Rev C		17.09.2021	Approved
Plans - PROPOSED LOCATION & SITE PLAN	AS684/01		17.09.2021	Approved
Plans - PROPOSED SECTIONS	AS684/07 Rev C		17.09.2021	Approved
Plans - EXISTING ELEVATIONS	AS694/03		17.09.2021	Approved
Plans - EXISTING PLANS	AS694/02		04.10.2021	Approved
Plans - PROPOSED PLANS	AS694/05		04.10.2021	Approved
Plans - PROPOSED ELEVATIONS	AS694/06 Rev C		04.10.2021	Approved

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

This page is intentionally left blank

Chichester District Council

Planning Committee

6 April 2022

Westbourne Conservation Area Appraisal including extension to cover Westbourne Cemetery

1. Contacts

Report Author:

Owen Broadway, Principal Conservation and Design Officer

Tel: 01243521152 Email: obroadway@chichester.gov.uk

2. Recommendation

2.1 That the Committee:

a) Note the contents of the report, and

b) Approve for public consultation the updated Westbourne Conservation Area Appraisal (2022) including the recommendation for extending the conservation area to cover the site of the historic Westbourne Cemetery, Cemetery Lane,

3. Background

3.1 The Council has a duty under present legislation to designate those areas of Chichester District, outside of the South Downs National Park, considered to have outstanding historic or architectural interest as conservation areas and keep those designations under review.

4. Proposal

4.1 The original Conservation Area Character Appraisal for Westbourne was published in 2012. Historic England guidance recommends that conservation area appraisals should be subject to review to ensure that they are up to date and relevant. The more up-to-date an appraisal is the greater the weight that can be attached to it, for example at planning appeals.

- 4.2 As part of the appraisal process the existing conservation boundary was reviewed. Subsequently the Westbourne Cemetery on Cemetery Lane is recognised for its special architectural and historic interest and is recommended to be added to the Conservation Area.
- 4.3 The appraisal has been reviewed in compliance with the National Planning Policy Framework (NPPF) and in accordance with guidance contained in Historic England Advice Note 1 (Second Edition): Conservation Area Designation, Appraisal and Management (8 February 2019). The consultation draft of the revised appraisal document is attached at Appendix 1.
- 4.4 The following general updates and changes have been made to the character appraisal:
- a) Removal of previous recommendations that have since been adopted or are no longer relevant
 - b) Updating of legislation, policy and SPG references
 - c) Change in emphasis for installation of renewables in conservation area due to declaration of climate emergency and improved technical and visual characteristics
 - d) Addition of multiple references to non designated heritage assets to reflect significant change in emphasis within the NPPF and other national guidance
 - e) Change in emphasis of reference to contemporary design or materials to be more welcoming where appropriate
 - d) Addition of recommendation to include Westbourne cemetery within the conservation area boundary, including background and justification.

5. Proposed Consultation

- 5.1 The draft appraisal and management proposals and recommendations for modification of the existing conservation area boundary are proposed to be the subject of public consultation between 7 April 2022 and 5 May 2022.
- 5.2 The consultation will comprise the following:
- a) The appraisal document will be sent as hard copies to Westbourne Parish Council
 - b) The appraisal document will be made available online and comments invited from:
 - i) Westbourne Parish Council
 - ii) Southbourne Parish Council
 - iii) West Sussex County Council

iv) Greening Westbourne

v) The Westbourne Local History Group

c) The consultation will be publicised on the Chichester District Council website and social media channels

5.3 Following consultation responses will be assessed against relevant criteria and a final report with recommendations will come back to this planning committee.

6. Resource and Legal Implications

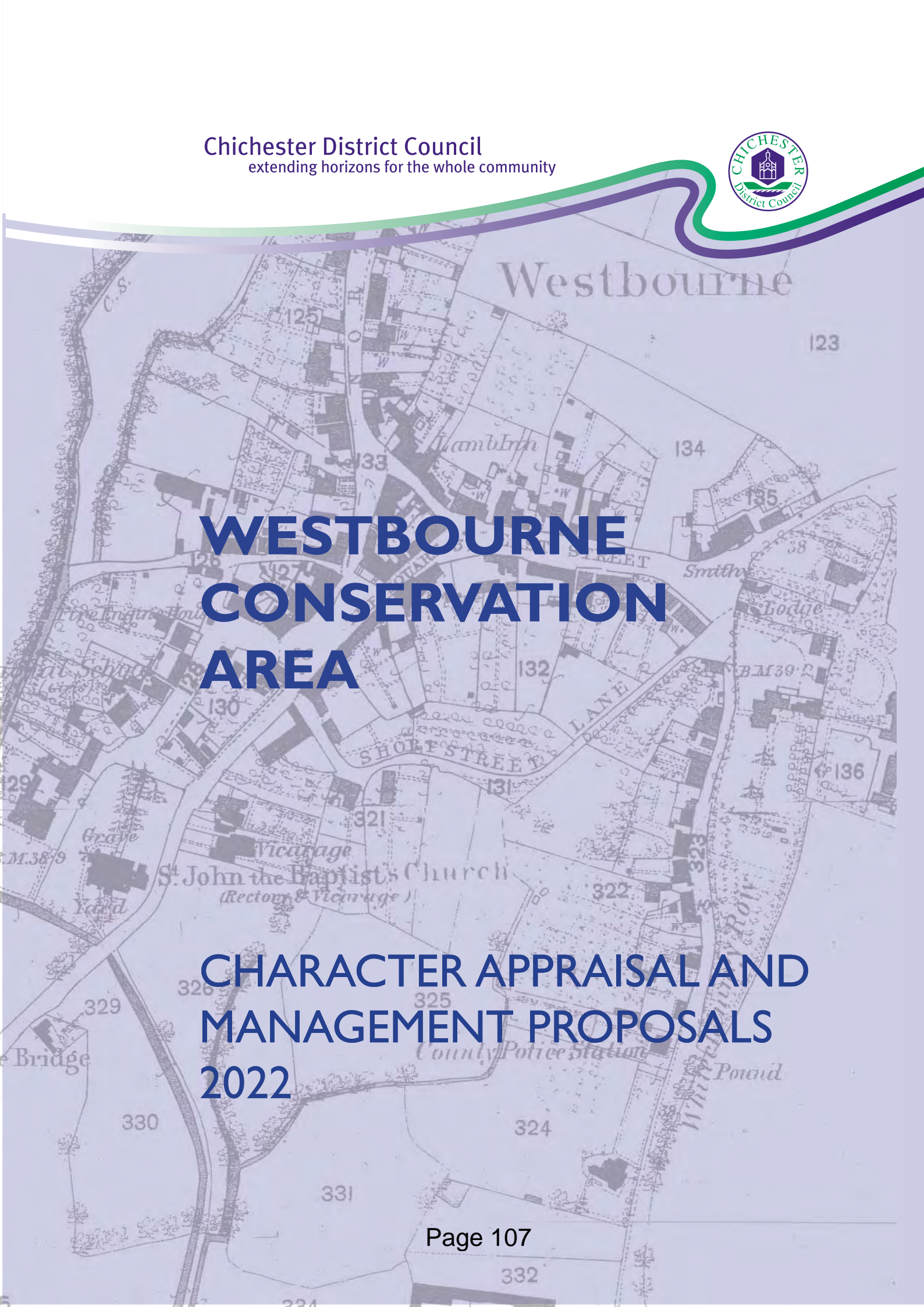
6.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties on local planning authorities to designate Conservation Areas and from time to time to formulate and publish proposals for their preservation and enhancement.

6.2 The review of the appraisal has been undertaken in-house with existing staff. There will be costs in relation to advertising the conservation area changes.

7. Other Implications

Crime and Disorder	None
Climate Change	None
Human Rights and Equality Impact	None
Safeguarding and Early Help	None

This page is intentionally left blank

A historical map of the Westbourne area, showing streets, buildings, and landmarks. The map is overlaid with a semi-transparent blue and purple wavy graphic at the top. The text 'Westbourne' is written in a large, serif font at the top right of the map. The map includes various street names like 'CAMPBELL STREET', 'SMITH STREET', 'LANE', and 'SHOP STREET'. Landmarks such as 'St. John the Baptist's Church (Rector's & Vicarage)', 'County Police Station', and 'White Elm Community Point' are labeled. Numerous house numbers are visible, ranging from 123 to 332. The map also shows a 'Grave Yard' and a 'Lodge'.

WESTBOURNE CONSERVATION AREA

CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS 2022

PART I WESTBOURNE CONSERVATION AREA CHARACTER APPRAISAL

Contents:	Page
1 Introduction	1
1.1 Why a Character Appraisal is needed	1
1.2 Summary of Key Characteristics	1
1.3 Summary of the Recommendations	1
2 Location and landscape setting	2
2.1 Location	2
2.2 Topography	2
2.3 Relationship of the conservation area to its surroundings	2
2.4 Geology	2
2.5 Biodiversity	3
3 Historic development and archaeology	4
3.1 Historic development	4
3.2 Surviving historic features	10
3.3 Archaeology	10
4 Spacial analysis	12
4.1 Character areas	12
4.2 Plan form, building types and boundaries	15
4.3 Open spaces, trees and views	16
5 Definition of the special interest of the conservation area	18
5.1 Activities and Uses	18
5.2 Listed buildings	18
5.3 Non designated heritage assets	19
5.4 Building materials and colours	19
5.5 Public realm	22
6 Issues	23
6.1 Negative features	23



PART 2 WESTBOURNE CONSERVATION AREA MANAGEMENT PROPOSALS

1	Background	25
2	Recommendations	26
3	Monitoring and review	30
4	Contact details	31

APPENDICES

Appendix 1	Legislative background	32
Appendix 2	Community involvement	33
Appendix 3	Good Practice Guidance	34
Appendix 4	Bibliography	39
Appendix 5	Westbourne Cemetery CA extension map	40

ILLUSTRATIONS

Maps

1840	Tithe Map	5
1874	First Edition Ordnance Survey	6
1898	Second Edition Ordnance Survey	7
1912	Third Edition Ordnance Survey 25" to one mile	8

Most maps are reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Licence no. 100018803. 2006.

Historic maps reproduced with the permission of West Sussex County Council and Chichester District Council



I INTRODUCTION

I.1 WHY A CHARACTER APPRAISAL IS NEEDED

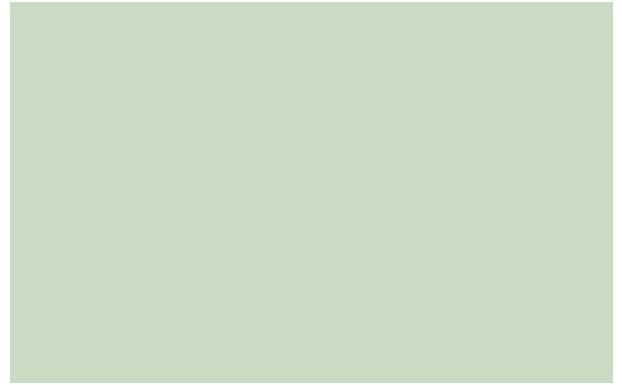
Local authorities are required by law to preserve or enhance their conservation areas and part of that process is the production of a character appraisal to explain what is important about the area.

Part 1 of this document defines the key elements that contribute to the special historic and architectural interest of the Westbourne Conservation Area, and identifies features that might be improved. Part 2, the Management Proposals, sets out a programme for further work, based on the issues identified in Part 1. This process involves a thorough review of the existing conservation area boundary and provides a number of suggestions for change.

I.2 SUMMARY OF KEY CHARACTERISTICS

The Character Appraisal concludes that the key characteristics of the conservation area are:

- Large linear settlement pattern encompassing the former mill and mill pond, various residential streets, and the village centre, with its shops and other facilities;
- The open farmland and countryside that form the setting of the historic settlement
- The historic Westbourne Cemetery set deliberately distant from the main settlement
- River Ems and its various mill leats and ponds
- North Street is a winding, mainly residential, road connecting the village centre to Westbourne Mill and Commonsides;
- Westbourne House is a fine 18th century house and is listed at grade II*;
- High concentration of listed buildings in the village centre around The Square and St John the Baptist's Church (listed grade I);
- The church occupies a focal position on Westbourne Road, and its churchyard is notable for the ancient yews which face Church Road;
- East Street and Foxbury Lane lead out of the village centre and have a number of prestigious listed houses including Mile End House, dating to the 18th century and listed grade II;
- White Chimney Row is a quite separate winding lane with many early listed buildings on the west side, and two substantial gentry houses (Westbourne Court and The Lawn) somewhat concealed by high walls and planting on the east;
- Varied materials including flint, brick, thatch and clay roof tiles;
- Five distinct "Character Areas" as detailed in Chapter 4.



St John the Baptist's Church



White Chimney Road

2 LOCATION AND LANDSCAPE SETTING

2.1 LOCATION

Westbourne is located on the western extremity of Chichester District and the West Sussex/Hampshire boundary actually follows the course of the river Ems for some distance. The A27(T), the modern replacement for the historic coastal road (now the A259) which connected Portsmouth to Chichester, is less than one kilometre to the south. Emsworth lies about four kilometres beyond this, marking one of the channels of Chichester Harbour.

2.2 TOPOGRAPHY

Westbourne lies on the flattish coastal plain which marks the boundary between the South Downs and the English Channel. The immediate surroundings are notable for the meandering river Ems which has been canalised to create mill leats and mill ponds. The settlement is just above the 10 metre contour but almost immediately to the north the land rises to around 45 metres.

2.3 RELATIONSHIP OF THE CONSERVATION AREA TO ITS SURROUNDINGS

Westbourne sits a few kilometres back from the coastal settlements which have for centuries relied for their prosperity on the safe harbours created by the various inlets of Chichester Harbour. The turnpike road which connects these settlements (the modern A259) is a major feature, although this has now been eclipsed by the very busy A27(T). Areas of open ground (Strategic Gaps) have been left between these villages and towns so that Westbourne is separated from Emsworth in the south, Havant in the west, and Southbourne in the south-east by flat, open fields. To the north, the land rises to Southleigh Forest and the forests and lands associated with Stansted House, with Rowlands Castle beyond. There are no towns or villages to the immediate north-east, which is characterised by rolling countryside with small farms, areas of woodland and the historic Westbourne Cemetery.

2.4 GEOLOGY

Westbourne lies close to the South Downs which provided chalk for lime and flints for building. The village itself lies on extensive deposits of clay, brick earth and alluvial material associated with the two streams. The brick earth provided the raw material for brick-making and names like "Brick Kiln Ponds" to the immediate north of the village confirm that this was an important local industry. Otherwise, the local soils are suitable for agricultural purposes, and around Westbourne there are still a number of farms (Chantry Farm, Lumley Farm, and to the north, Monk's Farm and Valley Farm) that confirm the importance of agriculture to the local economy.



Non designated heritage assets in North Street



The River Ems north of Westbourne



The area around Westbourne is generally flat (River Street)



The Westbourne Cemetery

2.5 BIODIVERSITY

Westbourne is situated in the middle of agricultural land that has been extensively farmed for many centuries. The fields are used for both arable farming and grazing, and tend to be regularly shaped, suggesting that their form results from the planned enclosures which took place between 1818 and 1823. The area was once important for watercress farming, largely using artificially-made ponds and streams. Large areas of forest to the north provide a haven for wild life. A *Site of Special Nature Conservation Importance* lies between River Street and Foxbury Lane along the line of the river Ems, but otherwise there are no special designations of any of the land in the immediate vicinity, although Westbourne lies a few kilometres to the north of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which includes many areas of special nature conservation.



Flint and brick are important local building materials



A mill leat goes through Old Rectory Close



3 HISTORIC DEVELOPMENT AND ARCHAEOLOGY

3.1 HISTORICAL DEVELOPMENT

The name *Westbourne* reflects the fact that the river Ems, originally referred to as *The Bourne*, forms part of the western boundary to the parish as well as the boundary between Hampshire and West Sussex. The village itself is large and irregularly laid out, the plan form largely dictated by the course of the river Ems and its various mill leats and mill ponds.

In the 11th century Westbourne was owned by Godwin, Earl of Kent, and father of King Harold. After the Norman Conquest, Bourne, as Westbourne was then known, was one of several manors bestowed by William the Conqueror on his friend and relative, Roger de Montgomery, the first Earl of Arundel. It then passed to Robert de Belesme, the king's commander-in-chief. However, after unsuccessfully rebelling against Henry I in 1102, all of de Belesme's estates were confiscated and Westbourne remained directly under the king's charge until 1135, when on his death he left it to his wife, Queen Adeliz. A few years later she was remarried to William de Albini who was appointed the Earl of Arundel. A close ally of King Henry II, he and his descendants held on to Bourne until 1579 when Henry, the last of the FitzAlan Earls of Arundel, died. Subsequently, the adjoining manors of Stansted and Westbourne passed to John Lord Lumley and remained in the Lumley's possession for over two centuries. In



St John the Baptist's Church



River Ems / millpond (off North Street)

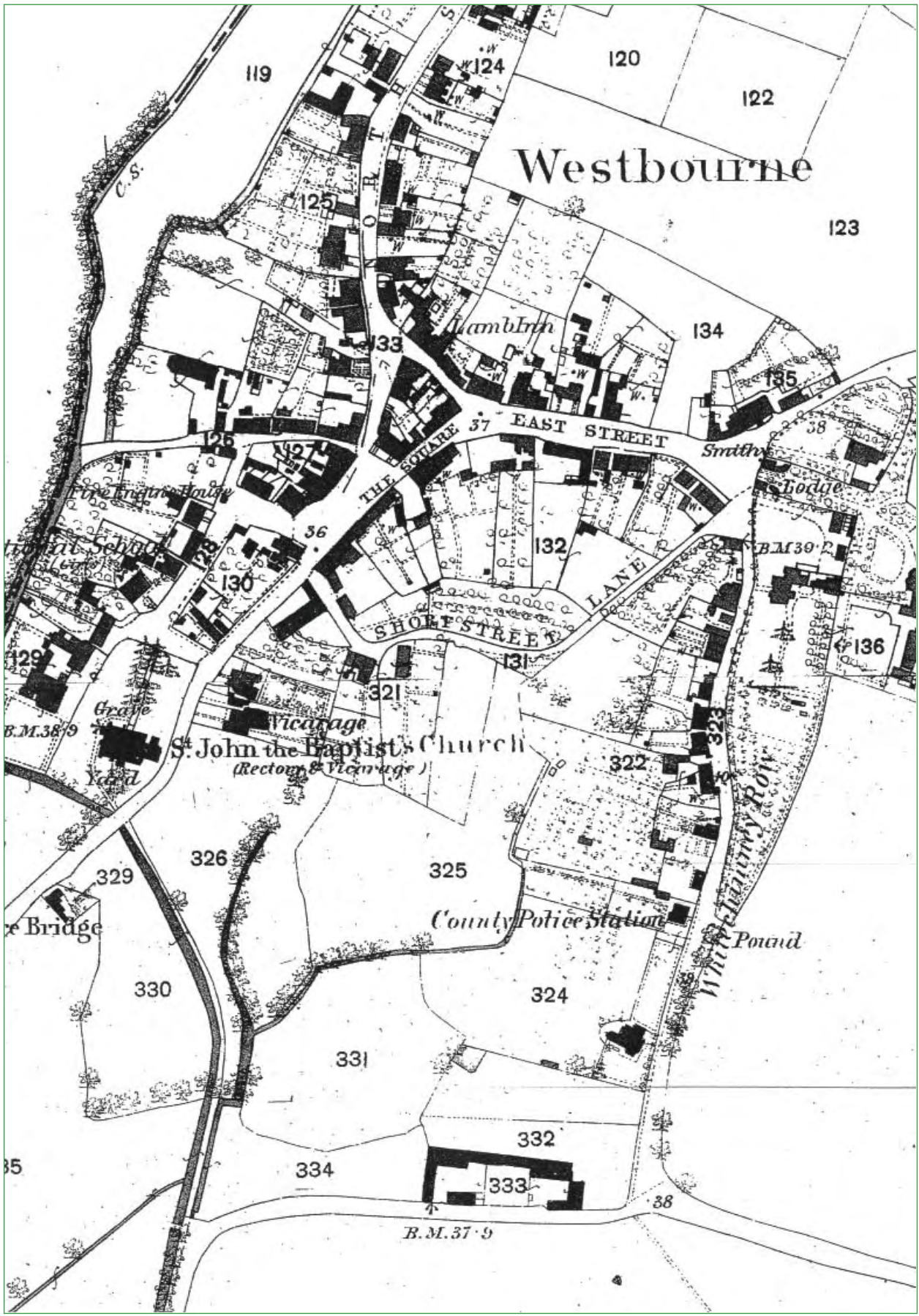
1781 Stansted was bought by the Indian nabob, Richard Barwell. Despite his eulogistic memorial in Westbourne's church he was very unpopular, acquiring his fortune by dubious means and denying access to parts of the estate that had previously been open to the public. Other prominent characters to have owned the manors of Stansted and Westbourne include Lewis Way, noted for founding the Society for Promoting Christianity among the Jews, Charles Dixon, a wine merchant from London, and the Wilder family, who were living at Stansted at the turn of the 20th century when the house was badly damaged by fire destroying most of its contents and records. Throughout history, the relationship between Stansted and Westbourne has been significant, not just in terms of church benefactions, but also in providing local people with agricultural work and housing.

In 1086, the Domesday Survey records that there were four water-mills in the manor, utilising both Ham Brook and the Ems. The Ham Brook is located to the east of Westbourne and runs southwards through Nutbourne. The river Ems runs down the valley from Stoughton to the south of Aldsworth and then under River Street where a dam at Watersmeet has created a large pond. On the western side of the street is another large pond, created to serve Westbourne Mill. It then flows into the village, where most of the water was diverted, probably in the 18th century, into a leat which runs through the churchyard and which serves Lumley Mill.

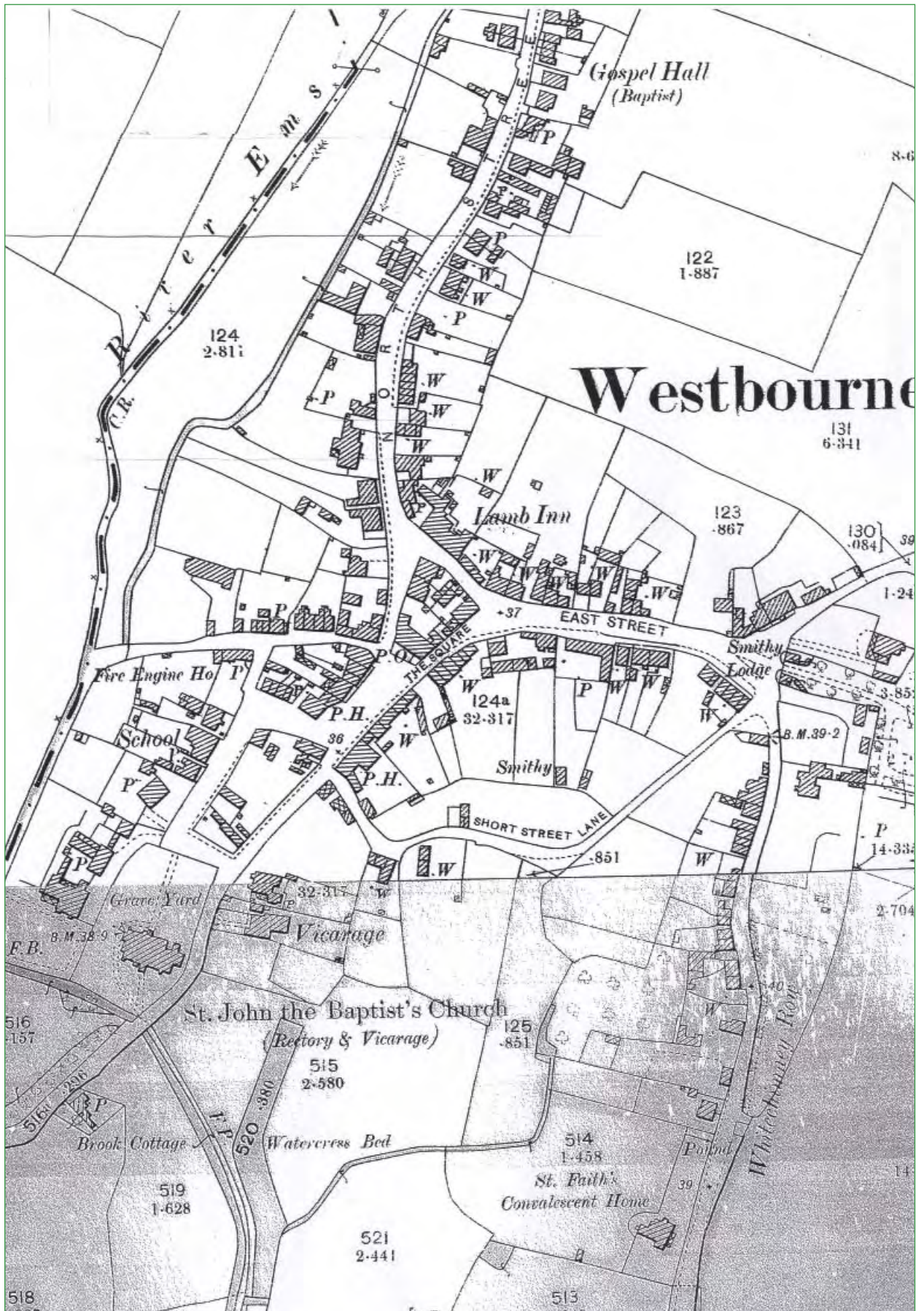
Westbourne was probably a trading centre from early times. In 1302 there was a weekly market and a fair on the 28th August, the day of the Beheading of St. John the Baptist (the patron of the church). There were also nineteen tenants who held stalls in the market-place. There is a small triangular island in the middle, now covered with 18th century and later buildings, which may have been this medieval market-place, or alternatively it may have been located closer to the church. In 1348, Westbourne, as with the whole of Britain, was ravaged by the Black Death, a disease that wiped out entire families and depopulated whole villages. The value of acreage in Westbourne dropped significantly as there were no longer enough people to cultivate and maintain



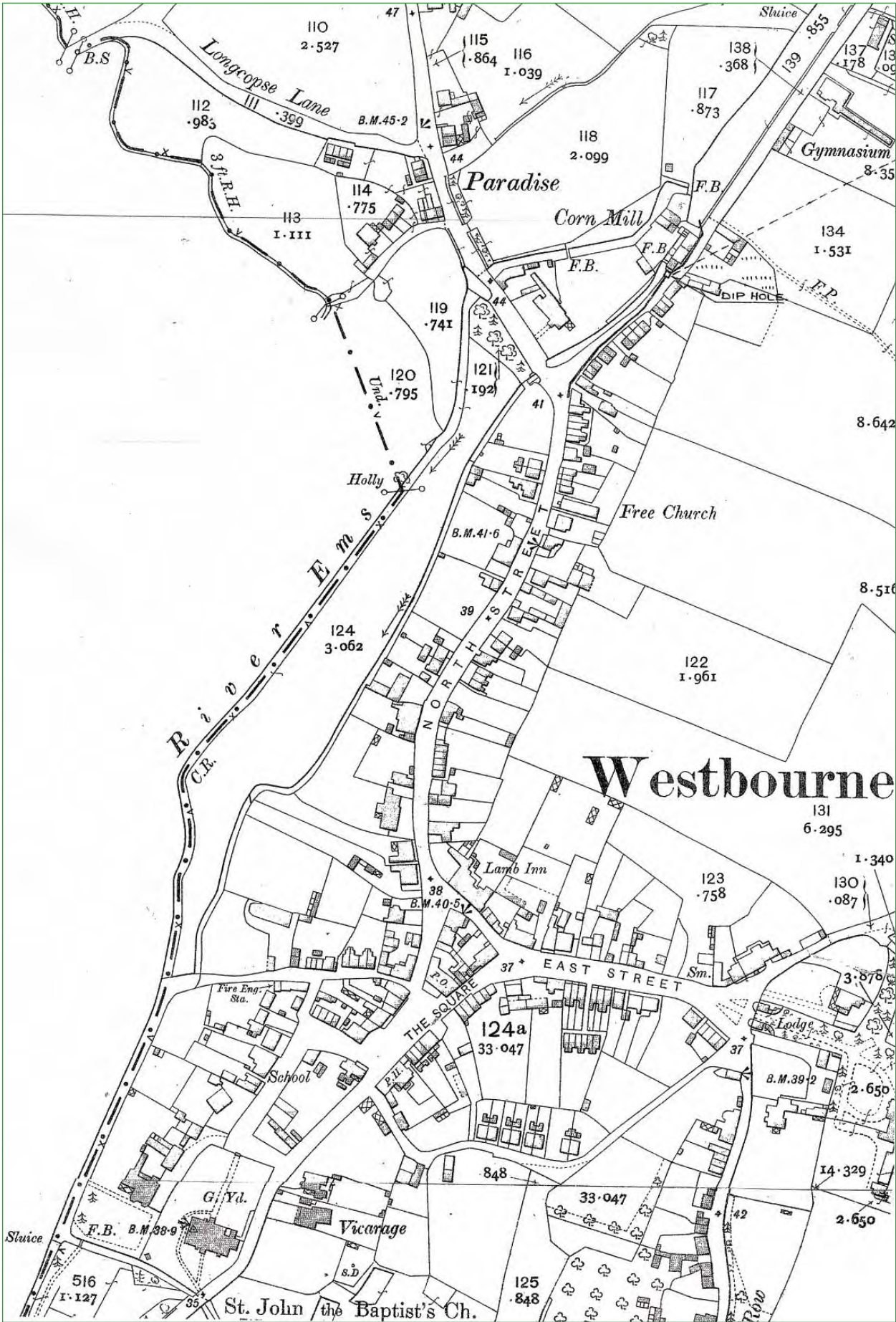
1840 Tithe Map



1874 First Edition Ordnance Survey



1898 Second Edition Ordnance Survey



1912 Third Edition Ordnance Survey

the land. A detailed rental of the manor drawn up about 1375 shows that the tenements in Bourne itself were mostly small cottager holdings. However, later, in the 15th and 16th centuries, Westbourne became famous for sheep, cattle and pony trading and the settlement reached the height of its prosperity in the late 1600s, during the reign of Charles II. A disastrous fire destroyed a large part of the village at about this time, resulting in few of the ancient buildings surviving. Before the end of the 18th century the market had died out, although the annual fair lingered on for another 50 years or so.

The parish church of St John the Baptist is believed to date back to Norman times, although it has been much altered since. Substantial evidence of the Norman building is documented in the early 13th century, when the building comprised 'a nave flanked by north and south aisles, and chancel'. The church underwent considerable alterations in the late 14th century, when the nave and aisles were extended and a vestry added to the chancel, and again in the 16th century with the construction of the tower, perpendicular arcades and chancel arch. In 1770 the spire was added to the tower. By 1858 the existing churchyard was so overcrowded that it was deemed a potential health hazard. This led to a new cemetery, along with its own chapel, being opened on church-owned land to the north east of the village in 1860. The cemetery was sited deliberately distant from the village given the belief at the time in miasma, the idea that rotting organic matter and its associated smells were responsible for outbreaks of disease. A major rebuilding was undertaken by 1865 under the guidance of the Reverend J H Sperling. The north side of the church is now approached by a yew tree avenue planted by the Arundel family about 500 years ago and thought to be one of the oldest in England.

The first school in Westbourne was established in 1819 and was situated in the poor house. Supported by the village, parishioners voted unanimously to allow the schoolmaster to sleep and eat there at parish expense. By 1835 land was acquired from the Lord of the Manor for a new school which opened in 1846, accommodating 160 pupils. In 1876 it was converted into the Girls' and Infants' School with the boys transferring to new premises in School Road at the age of five. Sadly, however, with many parents unable to meet the cost of further education the majority of children left school when they reached 12 years of age. Such was the poverty that, during the winter months, attendance dropped off due to the defective boots the children wore. In 1911, the council merged the two schools in Westbourne into one in a new building in River Street. During the war the school took in over 100 evacuees from Wimbledon.

Westbourne Baptist Church in North Street was completed in 1867. Today the church is also used by the Parish Council for meetings. In the 20th century the importance of agriculture to



The Square, site of the former market place



St John the Baptist's Church from Westbourne Road



Westbourne Primary School



Westbourne Baptist Church (on right)



Westbourne retains a variety of shops (The Square)

the local economy gradually declined. Large housing estates were added to the north of the village, connecting the outlying hamlets to the village centre, and to the south-west, towards Emsworth, although the creation of Strategic Gaps by the local planning authority has protected some of the green open space around Westbourne. Today, the village retains a primary school, two churches, a wide variety of smaller shops and several public houses and other eating places, providing an attractive village centre. The proximity of the south coast railway with stations at Emsworth and Southbourne, and the convenience of the fast road connections to Portsmouth or Chichester, has made Westbourne a popular location with a high demand for property.

3.2 SURVIVING HISTORIC FEATURES

The following are the most significant surviving historic features:

- Continuous occupation since the Norman period;
- St John the Baptist's Church, with Norman origins, and some late 14th century and later fabric;
- Unusual, dispersed layout with the main part of the village centred on the church and possible site of the medieval market place;
- The survival of Westbourne Mill and its mill pond next to River Street;
- Meandering streams and mill leats;
- Some 16th century houses along Church Road;
- Westbourne House, North Street is a fine 18th century building.

3.3 ARCHAEOLOGY

Because of its particularly rich natural resources the West Sussex coastal plain has been exploited continuously since hominids first arrived in Britain c.500,000 years ago. The older, Palaeolithic deposits would not normally survive close enough to the surface to be relevant, but later prehistoric deposits, from the Mesolithic to the Early Saxon, and most particularly Bronze age to Roman, should be expected to survive at plough depth.



Westbourne House



Former engine house lies behind Watersmeet

The Sites and Monuments Record (SMR) for Westbourne records the following features:

- Middle Bronze Age cremation burial was found close to Mill Road in 1949 (an Archaeologically Sensitive Area);
- St John the Baptist Church: an important medieval church with a Norman foundation;
- Existing 18th century water mill to the west side of River Street may be on the site of *Northmylle*, which is mentioned in the Domesday Survey of 1086 and which may have included a malthouse. A corn mill is recorded also in 1663. The current building ceased operations in the late 1920s.
- Former Engine House on east side of River Street (now converted to a house). This housed a water-powered engine which supplied water to Stansted House from the river Ems. In 1855 a steam engine was installed which apparently ceased working in the 1900s, presumably when mains water was supplied;

- A medieval seal was found in Westbourne in 1986, and a 13th century silver ring was found in 1985 when new houses were being built to the north of the village;
- A Roman coin was found in a field outside Westbourne;
- Evidence of the canalisation of the river Ems in the 18th century to the north-east of Westbourne, probably to provide a source of water to Westbourne Mill or to alleviate flooding;
- Four mills once existed between Westbourne and Lumley;
- Late Bronze Age, Roman and Middle or Late Saxon pottery was found close to Foxbury Lane, possibly along the former line of the river Ems, during 1999-2000;
- The Westbourne Union Workhouse was once located to the north of the village but had been demolished and replaced by new housing by the 1980s.



4 SPATIAL ANALYSIS

4.1 CHARACTER AREAS

The main feature of the Westbourne Conservation Area is the way in which the local stream, the river Ems, has had an impact on the historical development of the settlement. The stream forms the western boundary to the village and has for centuries been used to power mills and to provide water for homes and for agriculture – watercress beds were a particular local speciality. At various points there are reminders of this, with two large ponds to the north and east and various mill leats which meander attractively through the village. Despite the large areas of 20th century housing to the north-east and north-west of the historic core, the conservation area retains a recognisably historic streetscape, helped by the surrounding open countryside which is a notable feature to the west and east of Westbourne.

The conservation area itself is large and includes a rural, open area to the north, with the mill and mill pond; the sinuous line of North Street with mainly residential properties; the commercial village centre around The Square; a quieter more residential area around St John the Baptist's Church; and another, quite separate "suburb" along White Chimney Row, notable for its many listed buildings and enclosed, winding street.



North Street

Each of these areas has a slightly different character according to the historic form of development, including the road layout and plot boundaries; the relationship of the buildings to the street; the types of buildings and their use of materials; and the uses and activities within each area. These "Character Areas" are:

- Area 1: Westbourne Mill and millpond;
- Area 2: North Street;
- Area 3: The village centre and The Square;
- Area 4: St John's Church and Church Road;
- Area 5: White Chimney Row.



No.56 Commonsides (Bridge House) looks over the River Ems (Area 1)

Area 1: Westbourne Mill and millpond – key characteristics:

- River Street is a long straight road with open fields and a large pond to the east and another large mill pond to west;
- Deep grass verges provide rural character, enhanced by the views over adjoining farmland;
- To the north (the old hamlet of Commonsides) there is a small green and views of the stream, with a group of historic buildings and a picturesque bridge;
- To the south, the principal building is Westbourne Mill, dating to the 18th century and listed grade II, and other listed buildings are close by, forming a group;
- Other interesting buildings include Watersmeet, with a high brick chimney denoting the former function as a pumping station.



River Street looking north

Area 2: North Street – key characteristics:

- Winding, mainly residential, lane connecting the village centre to Westbourne Mill and Commonsides;
- Views over the mill leat of the river Ems and the back of the mill at the northern edge;
- Terraces or small groups of good quality 19th century houses and cottages, with a number of mainly 18th century detached listed buildings;
- Mainly frontage development with small front gardens;
- Westbourne House (grade II*) and Norman House (grade II) are the principal listed buildings;
- The Art House retains a well detailed late 19th century shopfront.



Westbourne Mill

Area 3: The village centre and The Square – key characteristics:

- Attractive village centre with triangular street pattern, created by 18th century and later infilling of the original market place;
- Commercial uses mixed with residential;
- High concentration of listed buildings along the north and west side of The Square;
- Domestic scale, mainly two storeys, with no front gardens;
- East Street and Foxbury Lane lead out of the centre and have a number of prestigious listed houses including Mile End House, dating to the 18th century and listed grade II.



North Street



Norman House

Area 4: St John's Church and Church Road – key characteristics:

- Quiet backwater on one side (Church Road and Old Rectory Close) with St John the Baptist's Church (grade I) the principal listed building;
- The church occupies a focal position on Westbourne Road, very important in views along this much busier street;
- Churchyard retains a number of very old yew trees;
- Mill leat flows through the churchyard and under Westbourne Road towards open countryside;
- Impressive group of very varied listed buildings to north of the church;
- Well detailed row of purpose-built shops in The Grove, dating to the 1920s.



Entrance to Old Rectory Close

Area 5: White Chimney Row – key characteristics:

- Narrow, winding lane defined by listed buildings on one side, and a high brick wall on the other;
- Buildings sit right on the back of the pavement, creating tight urban form;
- More open, spacious plots to the south, with some infill 20th century development;
- Views over open fields to the south and east.



Shops in The Grove



The Square (west side)



The northern entrance to White Chimney Row is very narrow



The Square (looking south)



White Chimney Row

4.2 PLAN FORM, BUILDING TYPES AND BOUNDARIES

The Westbourne Conservation Area encompasses two outlying areas (Commonside and White Chimney Row) which are linked by the village centre and the area around the church. The most significant features of the plan form of the conservation area are the triangular village centre (The Square) with its wide open street to the south; the linear, curving form of North Street (to the north towards Commonside) and White Chimney Row (to the south); St John the Baptist's churchyard and Church Road; and the open green spaces which abut River Street and the area around the church. Of note is the effect of the river Ems and its mill leats on the layout of the village, particularly to the west of North Street where the mill leat forms the back boundary of the properties, and to the south of the church, where another mill leat forms the boundary to the churchyard.

The historic buildings within the conservation divide neatly into four types. Firstly, St John the Baptist's Church and the Westbourne Baptist Church are the only religious buildings and St John's is the most significant building in visual terms in the whole conservation area. Secondly, there are a number of prestigious, mainly detached gentry houses of the 18th and early 19th centuries, the best example of which is Westbourne House in North Street. Thirdly, there are a variety of smaller listed houses and cottages, the most notable of which are the 17th century timber-framed properties facing the north and east side of The Square and similarly dated thatched cottages along White Chimney Row. Some of these have been converted for commercial uses, such as the Good Intent Public House in North Street. Finally, there are the buildings which were once associated with agricultural or industrial uses, such as Westbourne Mill in River Street (now used as a house); the former barn off Church Road (now Westbourne Animal Supplies); Churchers Farmhouse in North Street; and Homelands in White Chimney Row, probably once the farmhouse to Lumley Farm.

The boundaries to these properties are very varied, although in some streets, where the buildings immediately abut the pavement, boundaries are not needed. There is much use of flint to create walls of varying heights, such as those that can be seen in Church Road, which vary between just over one metre to over two metres high. These are usually capped in brick or in stone. Hedging is also popular, as can be seen along East Street, where the planting is positioned behind an existing low flint wall to provide greater privacy. Brick walls are also significant within the conservation area, such as the red brick wall, about 1.200 metres high, outside Norman House in North Street.



The mill leat to the east of Westbourne Road



17th century timber-framed cottages face The Square



Westbourne Animal Supplies



Flint walls and hedging in East Street

4.3 OPEN SPACES, TREES AND VIEWS

Starting from the north, there are three significant “spaces”, of very different character, within the conservation area:

(i) *River Street green and triangle*

At the northern end of River Street, on the edge of the conservation area, the grassy verges are wide and provide in places an attractive boundary between the stream and the road. With the small adjoining triangle of land at the road junction, this creates the character of a village green, very much in a rural setting, with views across the neighbouring fields.

(ii) *The Square*

This former market place has been infilled to a degree by buildings, creating a triangle of roads with a wide section leading to the south towards the church. This provides a centre piece or “hub” to the conservation area and most of the village shops are located here. The many historic buildings, most of which are listed, create a townscape of high quality.

(iii) *St John the Baptist’s Churchyard and Church Road*

The church sits strangely on the modestly sized churchyard at an angle to the road and very close to it on the eastern edge. The space is dominated by



River Street and green



Listed buildings along the north side of The Square, facing west



Trees are important around Norman House



Trees in the garden of The Lawn

the very old yew trees which are located mainly on the northern edge of the space. The churchyard links visually with Church Street, which leads northwards and is also relatively wide. The southern boundary of the churchyard is formed by the mill leat, which links to the river Ems beyond the modern houses which form Old Rectory Close.

Trees are not particularly important in the middle of the conservation area, due to the lack of front gardens and the closeness of the buildings. However, they make a far more important contribution on the edges of the village where the conservation area abuts the surrounding fields. Good groups of trees are of special merit in the following locations:

- To the north beyond the river bridge at Commonsidge;
- At the southern end of River Street, especially around Norman House;
- Around St John the Baptist's Church, where ancient yew trees are particularly significant;
- To the south of Foxbury Lane, particularly in the garden of The Bucknalls and its boundary with The Lawn;
- To the east of White Chimney Row, particularly in the gardens of Westbourne Court and The Lawn.

Because of the enclosed nature of the village centre, views within the core of the conservation area are limited to vistas along the main streets. However, at certain points around the edges of the conservation area, there are longer views over the surrounding countryside, such as those obtained from River Street to the east. The spire of St John the Baptist's church acts as a focal point in some of these views.



View of the church spire from White Chimney Row

5 DEFINITION OF THE SPECIAL INTEREST OF THE CONSERVATION AREA

5.1 ACTIVITIES AND USES

The Westbourne Conservation Area encompasses a village centre, with a variety of commercial premises including several public houses, a number of small shops, and a petrol filling station (in East Street). Around this central core are several residential streets, mainly North Street, Church Road, East Street and White Chimney Row, with a variety of cottages and houses, including a number of former farmhouses, but the economic link with the surrounding countryside has now largely gone. St John the Baptist's church and the Westbourne Baptist Church continue to provide spiritual support to the local community.

Westbourne is mostly a relatively peaceful village and is clearly a popular location in which to live. The village shops are small but varied and the easy on-street parking is a bonus. The close proximity of Chichester, which provides a more comprehensive range of goods and services, adds to its popularity. A good range of shops and other facilities can also be found in nearby Emsworth. There is some disturbance from through traffic during the morning and afternoon rush-hours and when the local schools close, but the main source of noise is the A27 which is very close to the southern edge of the village.



Churchers Farm House, North Street



Mile End House, Foxbury Lane

5.2 LISTED BUILDINGS

There are 60 listed buildings in the conservation area, all of them, part from St John the Baptist's church, in residential uses. The church is listed grade I, reflecting its late 14th century origins, and is built from flint with stone dressings and a tiled roof. The tower is early 16th century and the whole building was quite heavily restored in 1865. There are also a number of important gentry houses some of which are listed grade II*. These include Westbourne House, a very well detailed house built from red brick with grey headers, and Mile End House in Foxbury Lane, a substantial five window wide 18th century building built from red brick. Norman House in North Street was built in the 18th century but was extended in the 19th with the addition of an additional storey. Other houses are less prestigious, such as the more modest Churchers Farmhouse in North Street, three windows wide and also built from red brick. Some of these houses also have good doorcases, panelled front doors and original six over six sash windows. Mostly they have steeply pitched roofs covered in handmade clay tiles.

Apart from these houses there are a number of more vernacular cottages some of which are 17th century and built from timber, sometimes hidden by 19th century encasing in brick or flint. The earliest example is no. 23 East Street (Box Cottage), notable for its 16th century square timber-framing infilled with painted brick. Another example is nos. 1, 2 and 3 The



Petrol filling station in East Street



No. 23 East Street
Page 127



Listed buildings in White Chimney Row



The Old Schoolhouse, Church Road



Church House, The Grove - a non designated heritage asset



Non designated heritage asset outbuilding in Church Road

Square, dated 1631, and also built from timber with flint infilling. Other early buildings are located along the north side of The Square, all of which are two storeys high and some of which are faced in roughcast, suggesting an earlier timber-framed structure beneath. White Chimney Row has a number of similarly early cottages, such as Fire Tree Cottage and Timbers (both 17th century) and The Old Dairy, possibly the earliest secular building in the conservation area and dating to the 16th century. The survival of these early buildings in this part of the conservation area may be because a fire in the early 17th century apparently destroyed part of the village.

More recent listed buildings include the former mill house in River Street, an 18th century building of flint and red brick, with a variety of outbuildings associated with its original use; The Old School House in Church Road, a mid-19th century building of flint with white brick dressings and Gothic details; and Watersmeet, an 18th century house, also in River Street, with an attached pumping station which once supplied water to Stansted.

5.3 NON DESIGNATED HERITAGE ASSETS

There are a number of key unlisted buildings within the Westbourne Conservation Area which make a *positive* contribution to the character and appearance of the conservation area. They are mainly 18th or 19th century

and, with the listed building described above, form an important part of the special architectural and historic interest of the area.

These are scattered throughout the conservation area but are particularly notable along North Street, where they comprise a variety of 19th century brick cottages and houses; in East Street and The Grove; and along the northern edge of Church Road where they include a number of flint and brick outbuildings, which all add to the rural qualities of this part of the conservation area.

5.4 BUILDING MATERIALS AND COLOURS

The conservation area is notable for its varied building materials, including timber (for framing and cladding); knapped or boulder flint; red, brown or white brick; and clay roof tiles, usually handmade and producing the pleasing variations in texture which are so important on many of the buildings. Clay was found locally as is proven by the existence of the former clay pit (now a small lake) to the south of New Road. There is some imported limestone, as can be seen on the church, which possibly comes from the Bembridge quarry on the Isle of Wight. Along River Street is a long section of wall made from small pieces of a grey stone, possibly also from the Isle of Wight. A number of the historic



Stone wall in River Street



Thatch is important in Westbourne (north side of The Square)



The Thatched Cottage, Church Road



Mill Brook Cottage, Church Road

buildings, mainly of the mid to late-19th century, are rendered and painted, usually white or a pastel colour. Some of the earlier cottages are also roofed in thatch, which would have originally been produced locally but is now brought from Kent or even further afield.

In summary:

Roofing:

- Handmade clay peg tiles (steep pitches above 40 degrees) – made locally e.g. many of the 18th and early 19th century properties facing The Square;
- Grey slate (shallower pitches) – imported from Wales or the West Country e.g. the late 19th century cottages along the south side of East Street;
- Thatch – made from straw rather than water reed – examples in Church Road, White Chimney Row and New Road.

Walling:

- Timber framing, infilled with flint or brick e.g. The Thatched Cottage in Church Road;
- Red brick, often enlivened by the use of blue or grey brick e.g. Sparrows in North Street; Elmhurst in Church Road; Millbrook Cottage in Church Road;
- Grey headers with red brick dressings e.g. The Mill House, River Street; Yew Tree Cottage and Ivy Cottage, North Street;



Coachmains, Old Rectory Close

- Painted render, usually white or a pastel colours e.g. 1a River Street; Coachmains;
- Whole beach pebbles or cobbles, set in lime mortar, with red or yellow brick; dressings e.g. Little Thatch in New Road;
- Fine quality flint work, sometimes with flint chipping (galletting) to the joints e.g. St John the Baptist Church;
- Flint with white or red brick dressings e.g. The Old School House in Church Road;
- Brown stock brick, mainly for the unlisted 19th century cottages e.g. cottages on the south side of East Street.



Little Thatch, New Road

Windows (all timber and usually painted white):

- Timber sashes eight over eight for the pre-1850 windows, two over two thereafter e.g. Westbourne House in North Street;
- Side opening casement with six or eight lights e.g. Smugglers Cottage in Church Road.



Brown brick cottages off East Street

Front doors (all timber and painted):

- Six panelled either with raised and fielded panels or flush panels e.g. Mile End House in Foxbury Lane;
- Modest ledged and braced “cottage” doors e.g. The Thatched Cottage, Church Road.



Nos.6-9 River Street



Signpost in The Square

Overall the impression of colours is that they are very varied, but with the orangey-brown of the clay tiles and bricks predominating, along with the silvery-grey of the flint and the pastel-painted walls of the many cottages and houses within the conservation area. The mid-green paint on nos. 6-9 (consec.) River Street could be considered rather too bright.

5.5 PUBLIC REALM

There are no historic paving materials in the conservation area, the pavements of which are generally covered in black tarmacadam with modern concrete kerbs. The simplicity of these materials suits the rural conservation area, which is enhanced by wide grass verges in River Street and the informality of the layout in Church Road, where the road and pavement merges. Simple traditional street name signs are made from aluminium, with white lettering on a black background. Traditional white finger posts are a feature of conservation area, such as the one on the triangle of grass in Commonside, and in The Square at its junction with North Street.

In the centre of the conservation area, street lighting is provided by well detailed steel standards with reproduction 19th century lanterns. On the edges, the lighting is more utilitarian and comprises tall modern steel standards, probably of the 1970s and usually painted green. In several locations, timber telegraph poles and overhead cables are regrettable. Litter bins are plain black plastic and again unobtrusive. Overall a number of items of street furniture are in need of replacement.



"Heritage" street light in North Street

6 ISSUES

6.1 NEGATIVE FEATURES

Westbourne is a well preserved rural village with few obvious threats to its character. The buildings are generally in good condition and it is clearly a desirable location in which to live, particularly because of its proximity to Chichester. There are few serious threats to the character of the conservation area, although the following “negative” features have been identified:

Area 1: Westbourne Mill and millpond

- Oversize roof dormer on no. 1a River Street, a grade II listed building;
- Plastic windows in a number of the unlisted houses in River Street;
- Modern windows in Watersmeet, a grade II listed building;
- The stone wall facing the millpond would benefit from some careful repointing and repair in places;
- Small changes are needed to the conservation area boundary.

Area 2: North Street

- Obtrusive overhead cables in some places;
- Busy traffic at times along North Street;
- Poor quality pavements, such as the one to the north of Westbourne House (concrete with tarmacadam trench);
- Plastic windows and modern doors in a number of the non designated heritage asset properties;
- Poor quality front boundaries, such as the wire fence next to Churchers Farmhouse.

Area 3: The village centre and The Square

- Petrol filling station (Murco) with its modern canopy and large signs;
- Busy traffic at times along the principal roads;
- Obtrusive overhead cables in some places;
- New development facing The Square is not well detailed throughout;
- Plastic windows and modern doors in a number of the non designated heritage asset properties;
- Poor quality concrete pavements and concrete kerbs in many places.

Area 4: St John’s Church and Church Road

- Plastic windows and modern doors in a number of the non designated heritage asset houses and cottages;
- Obtrusive parked cars in Church Road;
- Some of the non-residential buildings are in a poor state of repair;
- Site to the back of The Thatched Cottage is defined by temporary timber fencing and is rather untidy;
- Obtrusive overhead cables in some places.



Over-sized “dormer” at No. 1a River Street



Poor quality front fence in North Street



The petrol filling station in East Street is a “negative” site



Untidy garden at the back of The Thatched Cottage

Area 5: White Chimney Row

- Narrow street with little provision for pedestrians;
- Busy traffic at times is a threat to residents and visitors.

6.2 ISSUES

From the various harmful features identified in 6.1, the following areas for improvement are considered to be the most relevant:

- Unsympathetic alterations to listed buildings;
- The use of modern materials and details on non designated heritage assets
- The poor quality pavements;
- Lack of pavements in White Chimney Row;
- Busy traffic at certain times of the day;
- Some poor quality front boundaries;
- Obtrusive telegraph poles and overhead cables;
- New development in the conservation area needs to be appropriate;
- The conservation area boundary needs amending in the River Street area.



There are no pavements in parts of White Chimney Row



I BACKGROUND

The designation of a conservation area is not an end in itself as under Section 71(1) of the *Planning (Listed Buildings & Conservation Areas) Act 1990* the District Council is required to periodically review its conservation areas and to publish proposals for their preservation and enhancement.

Part 1 of this document, the Character Appraisal, therefore assesses the character of the Westbourne Conservation Area and identifies the positive features which make the conservation area special. Additionally, the character appraisal also notes the less attractive, negative features and these are discussed in Chapter 6 “Issues”.

Part 2 of this document, the Management Proposals, presents proposals to achieve the preservation and enhancement of the conservation area’s special character, by providing a series of recommendations for future action based on the issues raised in Chapter 6.



2 RECOMMENDATIONS

2.1 UNSYMPATHETIC ALTERATIONS TO LISTED BUILDINGS

A small number of listed buildings in the Westbourne Conservation Area have suffered from unsympathetic alterations including the insertion of large roof dormers and modern windows, out of keeping with the historic character of the listed building. It is accepted that some of these may have been completed before the buildings were listed, but clearly the District Council needs to remain vigilant and ensure that all alterations are subject to Listed Building Consent applications and that subsequently the quality of the work is carefully monitored.

Recommendation:

The District Council will continue to ensure that all alterations to listed buildings which affect the building's special architectural or historic interest in the Westbourne Conservation Area are subject to detailed applications for Listed Building Consent (and Planning Permission, where relevant) and that the quality of the completed work is checked carefully.



Non designated heritage assets can easily be harmed by the incorrect use of modern materials such as UPVC window frames

2.2 THE USE OF MODERN MATERIALS AND DETAILS IN BUILDINGS CONSIDERED NON DESIGNATED HERITAGE ASSETS

Many of the unlisted historic buildings in the conservation area have been unsympathetically altered by the insertion of poor quality UPVC windows and doors. Use of synthetic, non traditional materials should be avoided as far as possible.



Listed buildings like this one in Church Road need to be protected from unsympathetic alterations (Smugglers Cottage)



Poor quality pavements in North Street



White Chimney Row



Traffic calming in the village centre might be advantageous

Recommendation:

Applications for change to non designated heritage assets in the conservation area, will be assessed in the light of the “Good Practice Guidance” enclosed at Appendix 3.

2.3 POOR QUALITY PAVEMENTS

Some of the pavements in the conservation area are poor quality concrete, through which trenches have been cut for the various statutory undertakers. These have not been reinstated in matching materials and the overall impression is of a poor quality environment.

Recommendation:

The various public bodies concerned with the care of the pavements (West Sussex County Council, Chichester District Council, and the statutory undertakers) should ensure that all alterations and repairs to the existing pavements in Westbourne are carried out using matching materials.

2.4 LACK OF PAVEMENTS IN WHITE CHIMNEY ROW

This winding lane has a number of residential properties, mainly along the west side, for which there is little or no pavement access. This makes it extremely dangerous, particularly since the road is very narrow in places with bends which make it difficult to see oncoming traffic.

Recommendation:

West Sussex County Council, Chichester District Council and the Parish Council could consider whether the addition of a pavement or perhaps a system of traffic chicanes to parts of White Chimney Row is required, possibly also with some other forms of low key traffic calming. These would need to be very carefully designed to take the historic environment into consideration.

2.5 BUSY TRAFFIC AT CERTAIN TIMES OF THE DAY

Although Westbourne is some distance from busy through roads, there is a certain amount of local traffic which at peak times can be obtrusive.

Recommendation:

West Sussex County Council, Chichester District Council and the Parish Council could consider

whether some form of traffic calming in the village centre would be appropriate. This would need to be carefully designed to take the historic environment into consideration.

2.6 POOR QUALITY FRONT BOUNDARIES

Westbourne is notable for its variety of wall materials: flint cobbles, grey stone, and brick. All of these add to the special character of the conservation area, particularly by enclosing views along the street. Occasionally, these have been removed to create off-street car parking, creating disruptive breaks in the street. Also, there are some examples of poor quality front boundaries, using unsuitable modern materials.

Recommendation:

Any changes to the existing boundaries of the buildings in the conservation area should follow the “Good Practice Guidance” enclosed at Appendix 3.

2.7 OBTRUSIVE TELEGRAPH POLES AND OVERHEAD CABLES

In some parts of the conservation area, large timber telegraph poles and a plethora of overhead cables are visually obtrusive.



The loss of garden space and front boundaries to create off-street car parking is regrettable

Recommendation:

West Sussex County Council, Chichester District Council and the Parish Council, in partnership with BT, could consider undergrounding these wires, perhaps on a rolling programme over a five year period.



Overhead cables in Church Road

2.8 NEW DEVELOPMENT

Some new development has already taken place in Westbourne, such as the new house on the east side of The Square. Whilst the overall bulk and height of the new buildings is in keeping, some of the details, such as the small front windows on the first floor, and the lead roof to the dormer window on the side extension, are not traditional.

Recommendation:

All new development should follow the “Good Practice Guidance” included at Appendix 3.



New development in The Square

2.9 THE ADDITION OF WESTBOURNE CEMETERY TO THE CONSERVATION AREA

A thorough review of the existing conservation area boundary was undertaken as part of the survey work for the conservation area character appraisal.

Westbourne Cemetery lies on the outskirts of Westbourne, a short distance from the existing conservation area and shares architectural characteristics with the historic parts of Westbourne contained within the conservation area. As such it was thoroughly surveyed for inclusion.

Background

Westbourne Cemetery was completed in 1860 in reaction to the increasingly congested graveyard at St John the Baptist. The location of the new graveyard some distance from the centre of the village was deliberate. The mid 19C saw the rise of the belief in the theory of 'miasma', that the gases given off by the putrefaction of recently interred bodies was the primary cause of urban diseases such as cholera and malaria. As such, the new Westbourne graveyard was located some distance from the historic village centre, deliberately surrounded by open fields. The planting of yew trees on the boundary facing Westbourne is particularly notable, it was believed that trees dissipated airborne 'miasma'.

New graveyards such as Westbourne were designed with reassuringly familiar features that recalled the idealised rural medieval graveyards they replaced. Features of this type at Westbourne include the gothic revival chapel, historic materials such as flint, stone and wrought iron. Dispersed naturalistic planting schemes included an abundance of yew trees, particularly symbolic of older graveyards.



Westbourne Cemetery Chapel - built to mimic the relationship of medieval churches with their graveyards



Historic flint and stone walls surround the cemetery, establishing an architectural link to medieval cemetery walls and serving to deter grave robbers.



Summary

The following characteristics are of central importance to the special architectural and historic interest of the Westbourne Cemetery:

- (i) The deliberate settlement gap distance from the centre of Westbourne to the cemetery and the surrounding open countryside
- (ii) The gothic revival graveyard chapel
- (iii) The flint and stone boundary walls
- (iv) The border of mature yew trees facing Westbourne
- (v) The open and verdant character of the dispersed and naturalistic planting within the graveyard.

Westbourne Cemetery has a clear historic link with the 19C development of Westbourne and is a characterful physical indicator of the early historic development of public health policy. Its high quality architectural and landscaped features such as the gothic chapel, yew tree planting and surrounding rural hinterland are important historic features in their own right.

Recommendation:

Amend the conservation area boundary to include;

- (i) *Westbourne Cemetery and the historically important settlement gap to the immediate south west as shown at Appendix 5. Addition of the cemetery as Character Area 6 to this appraisal.*



The Lodge and original wrought iron cemetery gates. In the background can be seen the border of yew trees to filter 'miasma'.



The 1875 OS Map shows the layout of the cemetery before its extension eastwards along Cemetery Lane. Note the regular boundary planting facing Westbourne



4 CONTACT DETAILS

For queries on general planning matters:

Email:
dcplanning@chichester.gov.uk

Telephone:
01243 785166

For queries regarding conservation and design matters:

Email:
conservationanddesign@chichester.gov.uk

Telephone:
01243 785166



APPENDIX I LEGISLATIVE BACKGROUND

NATIONAL PLANNING POLICY

National Planning Policy Framework (NPPF) The NPPF sets out the government's planning policies and how they should be applied. It provides the national framework for conserving and enhancing the historic environment, including conservation areas.

LOCAL PLAN CONSERVATION POLICIES

The emerging Chichester Local Plan 2035 includes several relevant policies which cover conservation areas, listed buildings, non designated heritage assets and landscape visual impacts and settlement gaps.

The Westbourne Conservation Area was designated in January 1981. The Local Plan insert map which is relevant is no. 38. This confirms the following designation:

- A conservation area is based on River Street, North Street, The Square, Church Road, East Street and White Chimney Row;
- A Settlement Policy Area (policy BE1) defines a larger area, encompassing the conservation area and the mainly Post-War housing developments which are located to the north and north-east of the conservation area. A field to the north of Foxbury Lane is included within this Settlement Boundary;
- A "Site of Nature Conservation Importance" (Policy RE8) lies along the line of the river Ems between River Street and Foxbury Lane, outside the Settlement Boundary.
- A "Strategic Gap" green open space designation covers the western and southern boundaries of the village.



The following consultees and avenues to wider public consultation will be used:

- a. Westbourne Parish Council
 - i. To hold hard copies for public viewing
- b. Southbourne Parish Council
- c. West Sussex County Council
- d. Westbourne Local History Group
- e. Greening Westbourne
- f. Roy Briscoe Chichester District member for Westbourne
- g. Chichester District Council social media channels

This document was approved by Chichester District Council for development control purposes on XXXXX and will be a material consideration when making decisions about applications for development within, or in the setting of, the Westbourne Conservation Area. The document will also inform other agencies and individuals whose activities impact on the fabric of the Westbourne Conservation Area, such as West Sussex County Council, Westbourne Parish Council, local traders and householders.



APPENDIX 3 GOOD PRACTICE GUIDANCE

CONTENTS:

- 1 CONSERVATION AREA DESIGNATION
- 2 THE REQUIREMENTS FOR PLANNING PERMISSION IN A CONSERVATION AREA
- 3 ARTICLE 4 DIRECTIONS
- 4 NEW DEVELOPMENT
- 5 LISTED BUILDINGS
- 6 NON DESIGNATED HERITAGE ASSETS
- 7 ROOFS
- 8 FRONT BOUNDARIES AND DRIVEWAYS
- 9 TREES
- 10 SATELLITE DISHES
- 11. SOLAR PANELS AND OTHER RENEWABLE ENERGY INSTALLATIONS

1 CONSERVATION AREA DESIGNATION

Designation as a conservation area brings a number of specific statutory provisions aimed at assisting the “preservation and enhancement” of the area. These are as follows:

- The District Council is under a general duty to ensure the preservation and enhancement of the conservation area, and has a particular duty to prepare proposals (such as conservation area appraisals or grant schemes) to that end;
- Extra publicity is given to planning applications affecting conservation areas and the District Council must take into consideration the desirability of preserving and enhancing the character of the conservation area when determining such applications. This is usually achieved through the use of advertising in the local newspaper;
- *Planning permission* is required for the demolition of any unlisted building in a conservation area and the local authority or the Secretary of State may take enforcement action or institute a criminal prosecution if permission is not obtained. This means that all non designated heritage assets within the conservation area will have a strong presumption in favour of retention unless there are an exceptional case for demolition can be made.

- Written notice must be given to the District Council before works are carried out on any tree in the area;
- The display of advertisements may be somewhat more restricted than elsewhere;
- The District Council or the Secretary of State may be able to take steps to ensure that a building in a conservation area is kept in good repair (similar to the powers which protect listed buildings);
- Limited financial assistance may be available for the upkeep of a building in the conservation area through grant schemes with English Heritage or the Heritage Lottery Fund, (though these are usually targeted to areas of economic deprivation).

2 THE REQUIREMENTS FOR PLANNING PERMISSION IN A CONSERVATION AREA

In a conservation area, certain works to houses within the designated area, which are normally considered to be “permitted development”, will require planning approval from the District Council. The overall effect of these additional controls is that the amount of building works which can be carried out to a house or within its grounds without a planning application is smaller in a conservation area than elsewhere.

These are:

- Planning permission is needed for extensions to houses in conservation areas where they are on the side of a property or more than one storey to the rear of a property (front extensions require planning permission);
- Planning permission is needed for external cladding to houses in conservation areas, using stone, artificial stone, timber, plastic or tiles. However, cement and pebble dashing is still permitted development following a court case in 1995;
- Planning permission is needed for roof extensions;

- Planning permission is needed for the erection of any structure within the curtilage which is located to the side of a house.
- Planning Permission is needed for the installation of chimneys, flues and soil and vent pipes on the principal or a side elevation that fronts a highway.

It is worth noting that where a building is statutorily listed, different legislation applies, as all internal and external alterations which affect the special architectural or historic interest of the building require Listed Building Consent. Furthermore, commercial properties (such as shops and public houses), and houses which are in multiple occupation (flats) have far fewer permitted development rights and therefore planning permission is already required for many alterations to these buildings.

3 ARTICLE 4 DIRECTIONS

Designation as a conservation area means that the District Council can consider whether serving an Article 4 Direction is appropriate, by withdrawing permitted development rights for unlisted dwellings. This could affect all of the non designated heritage assets where unsympathetic change would be most detrimental. The changes that are commonly controlled by an Article 4 Direction are:

- The enlargement, improvement or other alteration of a dwelling (this includes new windows and doors);
- Alterations to the roof (such as changing the roof material);
- The construction of a porch;
- The provision of a building or enclosure, such as a swimming pool;
- The construction of a hardstanding and the creation of a new means of access;
- The painting of external walls.

The District Council can consider serving an Article 4 Direction, which does not require an application to the Secretary of State, although thorough public consultation is needed. In many of the conservation areas in the District, Article 4 Directions would help to protect the historic character of the area and the District Council will consider their use as and when resources are available.

4 NEW DEVELOPMENT

All applications for new development within Chichester's conservation areas are considered in the light of policies contained within the adopted Local Plan and central government guidance. For conservation areas, it is especially important to maintain the historic form of development, such as buildings lines, plot ratios and building form and uses. There is a general presumption that all listed buildings, and non designated heritage assets will be retained, and their setting protected. There is also a presumption that existing open spaces, especially those which are defined within the Character Appraisal for each conservation area, will be protected. Gardens, fields and other landscape features all make a vital contribution to the conservation area's "special character or appearance" and should therefore be retained.

Where new buildings are to be allowed, their design should be carefully considered in terms of their context, so that they fit in with their surroundings in terms of scale, density, massing and bulk. Over dominant, cramped development is usually inappropriate in a conservation area.

For Bosham, Sidlesham Quay, Sidlesham Church and West Wittering, new development should follow also the guidance contained within the Village Design Statements.

5 LISTED BUILDINGS

Listed Building Consent is required from the District Council for all alterations or extensions which affect the character of the listed building. The interior, as well as the exterior, of the building is covered by the listing, so changes to such features as fitted cupboards, panelling, staircases and even floorboards all require Consent. The listing description is merely a tool for identification so the exclusion of any particular feature does not mean that it is not "listed". It is a criminal offence to alter a listed building without having first obtained Consent so owners should always check first with the District Council before commencing work.

6 NON DESIGNATED HERITAGE ASSETS

As part of the appraisal process, and as recognised by the NPPF and Historic England non designated heritage assets have been identified and are marked on the Townscape Appraisal maps for each conservation area. Generally, these are individual or groups of buildings which retain all or a high proportion of their original architectural detailing and which add interest and vitality to the appearance of the conservation area.

As with listed buildings, there is a general presumption in favour of their retention. Any application for the demolition of a non designated heritage asset will therefore need to be accompanied by a reasoned justification as to why the building cannot be retained, similar to that required for a listed building. The owner must also have made positive efforts to market the building, or to find a suitable new use, before an application can be determined.

7 ROOFS

In all of Chichester's conservation areas, but most particularly in the more urban areas, roofs play an important part in contributing to the area's special character. Their pitch, shape and materials are all important and should not be compromised by the insertion of over-dominant rooflights or dormers. The loss of chimney stacks and chimney pots will be resisted by the District Council, particularly on listed and non designated heritage assets within the conservation area.

Thatch, handmade clay tiles and natural slate are the traditional materials for roofs within the conservation areas. For thatched roofs, the District Council will continue to encourage the use of long straw thatch and traditional details. Historically, long straw would have been sourced from local farmers as a waste product from grain production, and roughly shaped before fixing, often over the top of old thatch. This gave the buildings a

characteristically shaggy outline which the modern "combed wheat reed" roofs tend to lack. Combed wheat reed is also straw, but it is a more processed material which when fixed produces a much flatter, thinner roof than long straw. It has also become usual for the ridges of thatched roofs to be repaired using *raised* ridges, with decorative swirls and crescents, rather than the much simpler but historically more correct *flush* ridge which continued the outside face of the main roof. The use of water reed results in an even greater change of character, as this material is laid in thinner layers, given a crisper, more angled outline, with raised ridges adding to the difference. Organic long straw is now being grown commercially in Kent, so it is possible to source the correct material.

Handmade clay tiles are another material which would have been made locally, but which can still be purchased from brick makers in West Sussex. They are notable for their curved shape, producing a softly undulating roof shape which machine-made tiles, which tend to be almost flat, cannot emulate. Their soft reddish-brown colour is another important local feature. Ridges are created by rounded clay tiles, sometimes crested.

Natural slate was rare in West Sussex before the mid-19th century but its use became almost ubiquitous after the 1840s when slate became more fashionable and also far more affordable due to the coming of the railways. Welsh slate is preferable to imported slate as its colour is a better match for existing roofs and because of tighter quality controls it lasts much longer. Lead flashings, simply detailed (no curves or cut-outs) is traditional with slate.

Cast iron rainwater goods are required on listed buildings, but cast aluminium, which is cheaper and which almost replicates the sections of cast iron, is acceptable on non-listed buildings within the conservation area.

8 FRONT BOUNDARIES AND DRIVEWAYS

Where front gardens exist, and on-street parking is in short supply, there is often a demand for the creation of private parking spaces. In a conservation area, this can be to the detriment of the environment, involving as it does the removal of existing front boundaries

and the creation of hardstandings, often using modern materials such as concrete or tarmacadam. For many of the conservation areas in Chichester District, the front boundary walls, made from a variety of materials - brick, flint, sandstone or limestone - make an important contribution to the character and appearance of the area and they should be retained.

Generally, the District Council therefore wishes to discourage private owners from carrying out such alterations. Permission will usually be required from the County Council for the creation of a new crossover onto a public highway, and for listed buildings, Listed Building Consent will be required for the demolition of any existing walls. For the rural conservation areas, new driveways should be covered in a "soft" material, such as gravel or resin-bonded gravel, rather than tarmacadam or concrete blocks or slabs.

Where there is a real threat to the conservation area, the District Council can control the creation of hardstandings and the removal of more minor walls through the imposition of an Article 4 (2) Direction. This can be allied to a Direction to control other unsympathetic changes, such as the installation of uPVC windows or front doors.

9 TREES

Within conservation areas, anyone intending lopping or felling a tree greater than 100 mm diameter at 1.5 metres above the ground, must give the Council six weeks written notice before starting the work. This provides the Council with an opportunity of assessing the tree to see if it makes a positive contribution to the character or appearance of the conservation area, in which case a Tree Preservation Order may be served. This protects the tree from felling or inappropriate lopping. Fruit trees are no longer exempt, although slightly different constraints occur where the tree forms part of a managed forest or is in another agricultural use.

10 SATELLITE DISHES

The rules governing satellite dishes in conservation areas are significantly tighter than outside such areas. These state that the installation of a satellite antenna on any building or structure within the curtilage of a house in a conservation area is only permitted development if the following conditions are met:

For building less than 15metres high

- No more than 2 antennas are installed on the property overall
- The dish does not exceed 100 cm in any dimension (not including any projecting feed element, reinforcing rim, mounting and brackets);
- Where two antennas are installed, one is not more than 100 centimetres in any linear dimension, and the other is not more than 60 centimetres in any linear dimension (not including any projecting feed element, reinforcing rim, mounting and brackets)
- the cubic capacity of each antenna is not more than 35 litres
- No part of it must exceed the highest part of the roof;
- If it is installed on a chimney it is not more than 60 centimetres in any linear dimension and does not stick out above the chimney;
- It is not on a wall or roof slope fronting a highway or footway;

For buildings exceeding 15 metres in height

- No more than 4 antennas are installed on the property overall
- The dish does not exceed 130 cm in any dimension (not including any projecting feed element, reinforcing rim, mounting and brackets)
- If it is installed on a chimney it is not more than 60 centimetres in any linear dimension and does not stick out above the chimney;
- No part of it must exceed the highest part of the roof by more than 300cm;
- It is not on a wall or roof slope fronting a highway or footway;

If you live in a flat these limits apply to the building as a whole and not to each separate flat.

If any of these do not apply, a specific planning application will be required,

and it is unlikely that permission will be granted.

11. SOLAR PANELS AND OTHER RENEWABLE ENERGY INSTALLATIONS

The installation of renewables is encouraged within conservation areas and can often be accomplished with minimum visual interruption to historic buildings and streetscenes. There are however tighter rules on what equipment can be installed without planning permission.

These are

- Planning permission is needed to fix a solar panel to a principal or side elevation visible from a public road or space
- Planning Permission is needed to fix solar panels onto an outbuilding within the curtilage of a dwelling house where it is visible from a street or public place.
- Planning permission is also needed to fix a wind turbine to the roof.
- Free-standing solar arrays within the curtilage of the building must not be visible from a public street or place

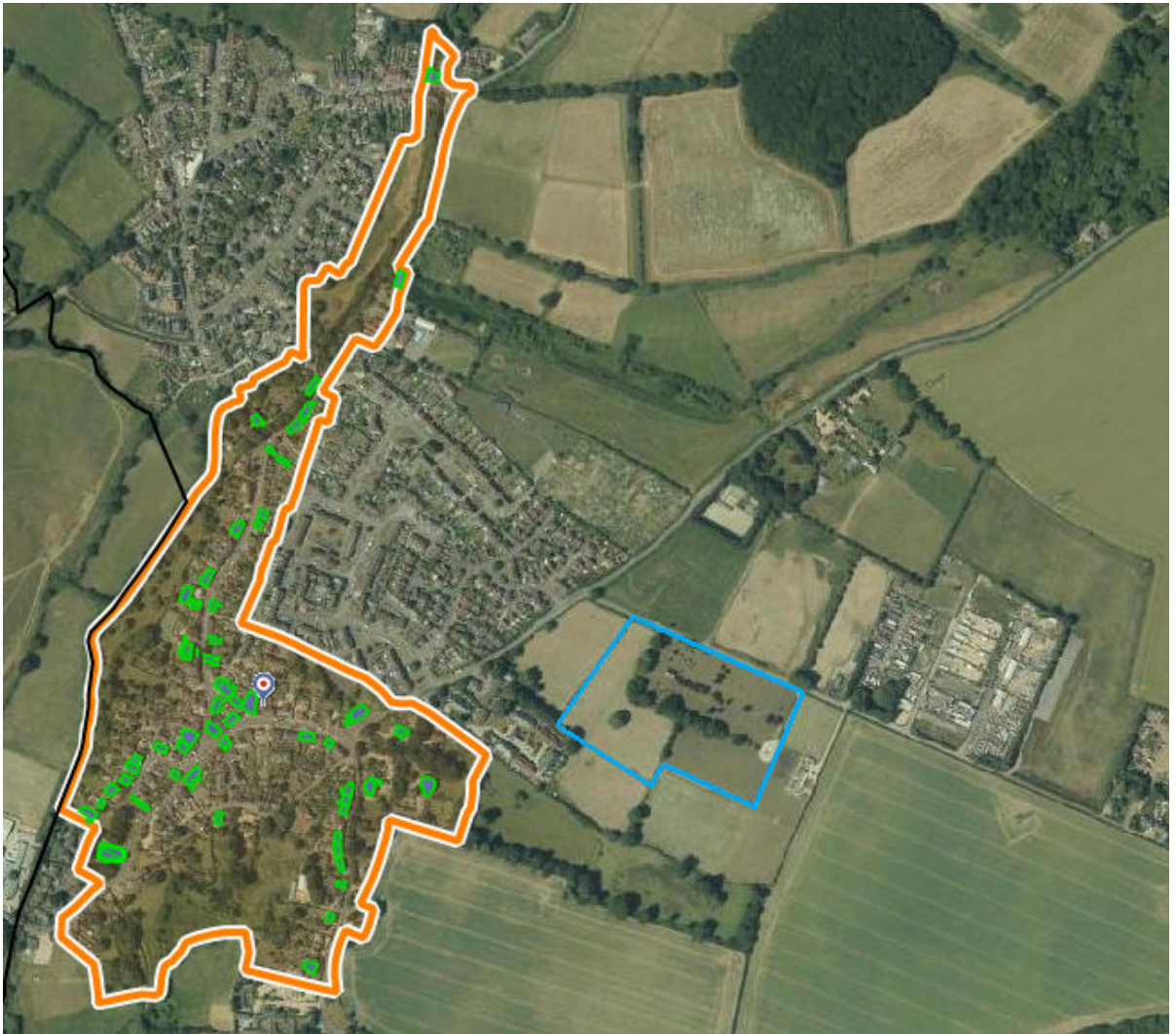
It is permitted development to install solar panels on the roof slope even if it is visible from the road, but is only permitted if the following conditions apply.

- The panel should not extend materially beyond the existing plane of the roof.
- Panels on a building should be sited, so far as is practicable, to minimise the effect on the appearance of the building.
- They should be sited, so far as is practicable, to minimise the effect on the amenity of the area.
- When no longer needed for micro-generation they should be removed as soon as possible.

APPENDIX 4 BIBLIOGRAPHY

- Armstrong, J R *A History of Sussex*
- Bone, D *Geology around Chichester*
- Nairn, I and Pevsner, N *The Buildings of England: Sussex*
- Various *Victoria County History, vol.iii, pages 71 onwards*
- Szczygiel, B and Hewitt, R *Nineteenth-Century Medical Landscapes: John H. Rauch, Frederick Law Olmsted, and the Search for Salubrity*
- Jackson, L (2015) *Death in the city: the grisly secrets of dealing with Victorian London's dead, The Guardian, 22 January 2015. Available at: <https://www.theguardian.com/cities/2015/jan/22/death-city-grisly-secrets-victorian-london-dead>*





This page is intentionally left blank

Chichester District Council Planning Committee

Wednesday 06 April 2022

Report of the Director Of Planning and Environment Services Schedule of

Planning Appeals, Court and Policy Matters

between 12-02-2022 - 12-03-2022

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
21/03344/LBC	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>21/02391/FUL</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF Altering of non-load bearing partitions and ceiling, removal of boiler and its flue and adding 1 no. roof-light and 1 no. sun-pipe.
Appeal Decision: APPEAL WITHDRAWN	
Appeal Withdrawn	
<u>20/00400/CONCOU</u>	
Hunston Parish Case Officer: Sue Payne Written Representation	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex Appeal against HN/28
Appeal Decision: APPEAL DISMISSED	
<p>“...I see no ambiguity by then referring to that use “including” a list of items stored. Using the word “comprising” instead would add no greater clarity and it means the same thing. I do not see the list as being a closed list. If some items are removed or others brought on, that would not affect the integrity of the EN which is directed at a general storage use. The steel containers are large items that are no doubt heavy. There is no evidence to show that they could be moved around easily, and they are attached to the ground by their own heavy weight. Although they might be moved in the future, they have also been in the same place since around November 2020 which has given them a significant degree of permanence. With these well-established tests in mind, I find that, as a matter of fact and degree, the metal containers are buildings that fall within the definition of operational development at s55 of the 1990 Act. They are not a use of land. I find that there has been a been a material change of use of the land to general storage that constitutes development, for which planning permission has not been granted. The large steel containers have an industrial and construction site appearance that is incongruous with the rural setting of the appeal site. Their location next to the road means that they are visually prominent, and the temporary green mesh fencing does not lessen their visual presence. It is also clear that the EN is only targeting ‘stored items’ to be removed. On this basis, the requirements are the minimum necessary to remedy the breach. Consequently, they are not excessive steps. There is no ambiguity in the requirements of the EN. In both appeals an extended period of 12 months is requested. However, 6 months in which to cease the storage use and to clear all stored items is not unduly short, and three months is not unreasonable to remove the steel containers. The background of a planning application for a barn is noted...”</p>	

Reference/Procedure	Proposal
<u>20/00400/CONCOU</u>	
Hunston Parish Case Officer: Sue Payne Written Representation	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex Appeal against Enforcement Notices HN28 & 30
Appeal Decision: APPEAL DISMISSED	
As Above	
<u>21/03111/DOM</u>	
Selsey Parish Case Officer: Emma Kierans Fast Track Appeal	60 James Street Selsey PO20 0JG Two storey side extension over and beyond existing garage incorporating extension of existing rear balcony and introduction of new dormers.
Appeal Decision: APPEAL DISMISSED	
<p>"...Appeal A and Appeal B are dismissed. The size, width, scale and overall proportions of the proposed dormers on the front elevation, in both appeals, would, however, be excessive. The proposed mansard would disrupt the rhythm of the existing roofscape and would not be subservient to the host property. Accordingly, I find that the proposed dormers, as shown in Appeal A, and the proposed dormers and mansard roof, as shown in Appeal B, would result in significant harm to the character and appearance of the host property and wider area contrary to policies 2 and 33 of the Chichester Local Plan 2014-2029 and paragraph 130 b) and c) of the National Planning Policy Framework (July 2021) ..."</p>	
<u>21/03112/DOM</u>	
Selsey Parish Case Officer: Emma Kierans Fast Track Appeal	60 James Street Selsey PO20 0JG Two storey side extension over and beyond existing garage and loft conversion incorporating extension of existing rear balcony and introduction of new rear mansard roof and new dormers.
Appeal Decision: APPEAL DISMISSED	
As Above	

Reference/Procedure	Proposal
20/02735/ELD	
<p>Sidlesham Parish Case Officer: Calum Thomas Written Representation</p>	<p>Melita Nursery Chalk Lane Sidlesham PO20 7LW</p> <p>Application for a certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“ The appeal is dismissed. ... the main issue is whether the construction of a single dwellinghouse (Use Class C3) was substantially completed for at least 4 years by the date of the LDC application. ... The burden to make out the case rests firmly with the appellant and the test of the evidence is the balance of probability. ... The appellant asserts that by at least 2010 an extension had been added to the south of the caravan such that the overall size of what was there exceeded the size limits of a caravan defined in the Caravan Sites Act 1968 (CSA68) and it comprised of three sections. As such, the development on the site had become a building which was a dwellinghouse that had been substantially completed for more than four years by the date of the LDC application. ... However, my finding accords with a similar undisputed assessment set out in the Council’s delegated report on the LDC application about when an extension was added to the south side of the mobile home. Moreover, as a matter of fact and degree, I consider that the aerial photographs bear out such a finding. With regard to the meaning of ‘substantially completed’ established in <i>Sage v SSETR & Maidstone BC</i> [2003] UKHL 22,... the application is for the construction of a single dwellinghouse and, as referred to in the earlier ‘Main Issue’, that needs to have been substantially completed by no later than 22 October 2016. ... However, whilst it is alleged that in 2010 a southern extension had three bedrooms and a bathroom, and there was internal access from the original sections to the new section via a corridor, there is nothing to show what was inside the extension that was in place by 2016 or whether it was integrally connected to create one building that could be construed as a single dwellinghouse. A building cannot be regarded as substantially completed for the purposes of s171B(1) even if outstanding works affect only the interior. The aerial photographs shed no light on this matter.... I accept that the internal accommodation there now is as shown on a layout plan, and photographs taken at ground level correspond with the external appearance of the structure as shown on elevation drawings. ... I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the construction and use of a building as a single dwellinghouse falling with use class C3 was wellfounded and that the appeal should fail.”</p>	

Reference/Procedure	Proposal
<u>21/00038/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex Appeal against Enforcement Notice SI/78.
Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED	
<p>“...The mobile home is just inside the site entrance, and it is fenced off from the paddocks. Nevertheless, gates through to the stables and the horse enclosures, along with the functional link between the persons who live on the land and their horses, mean that in my view the land identified in the EN is one planning unit that is in a mixed use. It would not, therefore, be appropriate to scale back the red line to just capture the mobile home and the immediate land around it. The main issues are whether the appeal site is a suitable location for a residential use having regard to planning policies that seek to restrict new dwellings in the countryside, and whether there are any material considerations such as the personal circumstances of the occupiers of the mobile home that may indicate a decision other than in accordance with the development plan. Nothing should be more important as a primary consideration than the best interests’ of children and here that would involve the loss of their home and disruption to family life and possibly their education. In this case, there are several important development control planning policies that the residential occupation of the mobile home conflict with. Moreover, whilst the appellant wishes to have a three-year temporary planning permission, in this case the compliance period in the EN is twelve months which would start from the date of this decision. In my view, this is an appropriate time to allow the occupiers of the mobile home to address their future accommodation needs. Furthermore, the personal circumstances, as important as they are, do not outweigh the harm arising from the development or the conflicts with the development plan. In view of the above, the use of the mobile home for human habitation is not in accordance with the development plan taken as a whole and the material considerations do not indicate a decision other than in accordance with the development plan. Even if the Council is unable to demonstrate a five-year housing supply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the very limited numerical benefit of only one dwelling, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole. The residential use fails to meet the sustainable development aims of the NPPF...”</p>	

Reference/Procedure	Proposal
21/01347/DOM	
West Wittering Parish Case Officer: Alicia Snook Fast Track Appeal	Sea Holly 16 Marine Drive West West Wittering Chichester West Sussex PO20 8HH Proposal of single storey rear extension, roof alterations to include second floor accommodation. General material changes to all elevations. Construction of bike store and summer house/annexe.
Appeal Decision: APPEAL ALLOWED	
<p>“...The appeal is allowed and planning permission is granted for single storey rear extension, roof alterations to include 2nd floor accommodation. General material changes to all elevations. Construction of bike store and summer house/annex at 16 Sea Holly, Marine Drive West, West Withering, PO20 8HH in accordance with the terms of the application, Ref. WW/21/01347/DOM dated 29 April 2021, and the plans submitted with it and subject to the conditions listed below. The main issue is the effect of the appeal proposal on the character and appearance of the host property and surrounding area. Within the above context, the proposed increase in height of the existing ridge and associated alterations to create the new second floor would not, in my judgement, appear out of scale or harmful to the streetscene. There are numerous examples within the surrounding area of properties that have been extended at roof level or remodeled to provide habitable accommodation at first and second floor levels, as well as examples of three storey properties. Based on the above, I am satisfied that the proposed roof alterations to create the second floor accommodation would sit reasonably comfortably on the appeal site and that the host property, as extended, even with its remodeled design, would not appear out of character with its surroundings. The proposed extensions would not materially upset the existing built rhythm of the streetscene and even though part of the new second floor would exceed the existing height of the main ridge to the host, this would not appear out of keeping given the varied ridge heights that exist along Marine Drive West. In view of these findings, I have not felt it necessary to consider the Appellant's fall-back position. Accordingly, whilst there would be some conflict with the advice in the Design Guidelines, this conflict and any harm that results would be limited and would not be sufficient to justify the refusal of planning permission.”</p>	

Reference/Procedure	Proposal
20/02987/OUT	
<p>Southbourne Parish Case Officer: Andrew Robbins</p> <p>Public Inquiry – possibly being withdrawn</p>	<p>Four Acre Nursery Cooks Lane Southbourne PO10 8LQ</p> <p>Outline application for 40 dwellings with all matters reserved apart from access, layout and scale with associated new access roads, parking and turning areas, erection of a wastewater pumping station, the provision of surface water drainage features, amendment to the existing site access and works to Cooks Lane including the provision of a new footway on the northern side.</p>
<p>Withdrawn</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>* 20/02899/FUL</u>	
Birdham Parish Case Officer: Calum Thomas Written Representation	Houseboat Water Gypsy Chichester Marina Birdham Chichester West Sussex PO20 7EJ Installation of a replacement houseboat at Berth No. 16 of Chichester Canal.
<u>17/00356/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 21-Jun-2022 Chichester District Council East Pallant House PO19 1TY	Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting.
<u>17/00361/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.
<u>17/00362/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission change of use of the land to use as a residential caravan site.
<u>20/00379/CONCOU</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 21-Jun-2022 Chichester District Council East Pallant House PO19 1TY	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Appeal against BI/47

Reference/Procedure	Proposal
<u>21/02354/ELD</u>	
Bosham Parish Case Officer: Alicia Snook Written Representation	Land West Of Walton House Main Road Bosham PO18 8QB Use of the land for the storage of boats, boat trailers and sundry items.
<u>* 19/02579/FUL</u>	
Chichester Parish Case Officer: Martin Mew Informal Hearing 10-May-2022 Chichester District Council East Pallant House PO19 1TY	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works.
<u>20/02009/FUL</u>	
Chichester Parish Case Officer: Martin Mew Informal Hearing 10-May-2022 Chichester District Council East Pallant House PO19 1TY	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 3 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom; play area and associated works (Resubmission of CC/19/02579/FUL).
<u>21/02110/FUL</u>	
Chichester Parish Case Officer: Martin Mew Written Representation	23 Lavant Road Chichester PO19 5RA Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works. (Variation of condition 2 for permission CC/20/03226/FUL - amendments to rear roof slope to create a concealed roof terrace).
<u>20/00380/CONTRV</u>	
Chichester Parish Case Officer: Sue Payne Informal Hearing 10-May-2022 Chichester District Council East Pallant House PO19 1TY	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against creation of hardstandings and siting of mobile homes without planning permission.

Reference/Procedure	Proposal
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearing Virtual Event	Land At Flat Farm Hambrook West Sussex PO18 8FT Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<u>19/02493/OUT</u>	
Earnley Parish Case Officer: Andrew Robbins Informal Hearing 29-Mar-2022 Chichester District Council East Pallant House PO19 1TY	Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure
<u>20/03125/OUT</u>	
Earnley Parish Case Officer: Jeremy Bushell Public Inquiry 14-Jun-2022 Multiple Venues	Land South Of Clappers Lane Clappers Lane Earnley West Sussex Outline Application for the erection of up to 100 dwellings with associated access, landscaping and public open space. All matters reserved other than access.
<u>21/01920/PA16A</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Car Park Northern Crescent East Wittering West Sussex Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
<u>21/03279/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Fast Track Appeal	Land South Of Tranjoeen1 Field Maple Bracklesham Lane Bracklesham Bay West Sussex Proposed vehicle crossover (means of access to a highway Class B).

Reference/Procedure	Proposal
<u>21/03313/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Fast Track Appeal	Coromandel Longlands Road East Wittering Chichester West Sussex PO20 8DD Construction of a single attached garage to the western side of the approved 2 bedroom chalet bungalow currently being constructed.
<u>20/02723/FUL</u>	
Fishbourne Parish Case Officer: Calum Thomas Written Representation	Land East Of The Trees Main Road Fishbourne Chichester West Sussex PO18 8AU 1 no. dwelling, new access and associated works.
<u>21/02553/FUL</u>	
Fishbourne Parish Case Officer: Joanne Prichard Written Representation	Bethwines Farm Blackboy Lane Fishbourne PO18 8BL Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence.
<u>* 19/00445/FUL</u>	
Funtington Parish Case Officer: Martin Mew Written Representation	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Written Representation	Old Allotment Site Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.

Reference/Procedure	Proposal
<u>20/00234/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Land West Of Newells Lane West Ashling PO18 8DD Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<u>20/00534/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Written Representation	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<u>20/03306/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Land To The West Of Newells Farm Newells Lane West Ashling West Sussex The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.

Reference/Procedure	Proposal
<u>21/01681/FUL</u>	
Funtington Parish Case Officer: Rebecca Perris Written Representation	Chapel Barn Chapel Lane Funtington PO18 9AW Change of use of land to garden land for the construction of tennis court with fence enclosure and soft landscaping.
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/25
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Tara Lang Informal Hearing	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/77
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/89
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80

Reference/Procedure	Proposal
<u>20/02675/OUTEIA</u>	
Lavant Parish Case Officer: Jane Thatcher Public Inquiry	Field South Of Raughmere Drive Lavant West Sussex Outline Application with all matters reserved (except for access) for the development of 140 dwellings, public open space, landscaping, parking and associated works.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>21/00300/FUL</u>	
Loxwood Parish Case Officer: Robert Young Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<u>21/00077/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Oxencroft Ifold Bridge Lane Ifold Loxwood RH14 0UJ New entrance gate at Oxencroft (retrospective).
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<u>* 19/03112/FUL</u>	
Sidlesham Parish Case Officer: Calum Thomas Informal Hearing	Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).

Reference/Procedure	Proposal
<u>20/01470/FUL</u>	
Sidlesham Parish Case Officer: Calum Thomas Informal Hearing	3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.
<u>20/02541/FUL</u>	
Sidlesham Parish Case Officer: Martin Mew Written Representation	Annabel Barns Chalk Lane Sidlesham PO20 7LW Single storey extension to existing office and storage building, including installation of solar photovoltaic panels and 3 no. additional parking spaces.
<u>20/02858/FUL</u>	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Land To The North Of Sunnybrook Highleigh Road Sidlesham PO20 7NN 1 no. single storey dwelling with garage and associated landscaping.
<u>21/00622/FUL</u>	
Sidlesham Parish Case Officer: Maria Tomlinson Written Representation	Land East Of 4 Cow Lane Sidlesham West Sussex PO20 7LN Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL.
<u>20/00301/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	M & Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Appeal against Enforcement Notice SI/77.

Reference/Procedure	Proposal
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>21/00089/FUL</u>	
Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Thornham Products Thornham Lane Southbourne PO10 8DD Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.
<u>* 20/02491/OUT</u>	
West Wittering Parish Case Officer: Jane Thatcher Public Inquiry	Land To The West Of Church Road Church Road West Wittering West Sussex Outline planning application for residential development of 70 dwellings (some matters reserved except for access).
<u>* 20/00047/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	Hopedene Common Road Hambrook Westbourne PO18 8UP Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearing	Meadow View Stables Monks Hill Westbourne PO10 8SX Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding

Reference/Procedure	Proposal
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 19-May-2022 Virtual Event	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<u>19/00107/CONMHC</u>	
Westbourne Parish Case Officer: Steven Pattie Written Representation	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 WE/51
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 19-May-2022 Virtual Event	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/57, WE/58 and WE/59
<u>20/02824/OUT</u>	
Westhampnett Parish Case Officer: Andrew Robbins Public Inquiry	Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane) Chichester Outline Application with all matters reserved except for access for the residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; Green Infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Of 4 Enforcement Notices	Injunction obtained for land to be vacated of all caravans and to be reinstated to its original agricultural use. Three plots only remaining, all pending matters assessed, such as alternative housing and Human Rights considerations. Evidence to be assessed with counsel for potential contempt of court proceedings.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South of The Stables, West Ashling	Of Enforcement Notice	First hearing adjourned from 25/11/21 to 1 April 2022 pending outcome of appeal
Cowdown Farm, Compton	Of Enforcement Notice	First hearing adjourned due to Defendant's pre-booked holiday. We are still waiting for a new date from court.
Oakham Farmhouse, Oving	Of Enforcement Notice	Court date requested in November and January and chased several times. Still waiting and chased again today 25 March.

7. POLICY MATTERS

This page is intentionally left blank

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 12.02.22 and 12.03.22

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.

3. CURRENT APPEALS

Reference/Procedure	Proposal
SDNP/20/01635/LDP West Lavington Parish Council Case Officer: Derek Price Informal Hearing 30/03/2022 10:00:00 Virtual Hearing Or Inquiry	Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices.
SDNP/21/00587/HOUS Northchapel Parish Council Case Officer: Beverley Stubbington Householder Appeal	7 Luffs Meadow Northchapel Petworth West Sussex GU28 9HN - Retention of home office (retrospective).

Reference/Procedure	Proposal
SDNP/20/05011/FUL Ebernoe Parish Council Case Officer: Jenna Shore Written Representation	Bittlesfield Ebernoe Road Balls Cross Ebernoe GU28 9JU - Demolition of 1 no. existing dwelling, garage and outbuildings, replaced with 1no. detached dwelling and 1no. detached garage/storage including access, driveway, parking and amenity space.
SDNP/20/04086/HOUS Bury Parish Council Case Officer: Jenna Shore Written Representation	Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store
SDNP/21/04110/LDE Lynchmere Parish Council Case Officer: Louise Kent Written Representation	1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.
SDNP/21/01499/FUL Linch Parish Meeting Case Officer: Charlotte Cranmer Written Representation	Woodmansgreen Farm Linch Road Woodmansgreen Linch GU30 7NF - The erection of a replacement storage barn.
SDNP/20/04087/LIS Bury Parish Council Case Officer: Jenna Shore Written Representation	Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store

Reference/Procedure	Proposal
<p>SDNP/21/00910/FUL Rogate Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>
<p>SDNP/20/04533/HOUS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Dunrovin Limbourne Lane Fittleworth RH20 1HR - Erection of a two storey rear extension and front porch with associated roof works and installation of tile hanging at the first floor level.</p>
<p>SDNP/21/03427/HOUS Trotton With Chithurst Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>Mottistone Cottage Terwick Hill Rogate GU31 5EJ - Erection of a new oak framed garage provided by English Heritage Oak.</p>
<p>SDNP/20/02935/CND Harting Parish Council Case</p> <p>Officer: Derek Price</p> <p>Informal Hearing</p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent,non personal to increase the number of mobile homes by one to change the layout.)</p>
<p>SDNP/21/01877/FUL Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.</p>

Reference/Procedure	Proposal
<u>SDNP/18/00609/BRECO</u> Rogate Parish Council Case Officer: Steven Pattie Written Representation	Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37
<u>SDNP/19/00386/COU</u> Fittleworth Parish Council Parish Case Officer: Sue Payne Written Representation	Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11

4. VARIATIONS TO SECTION 106 AGREEMENTS

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